dpd STAFF REPORT

AGENDA ITEM: 4

CASE NUMBER: PD 21-3 L.U.C.B. MEETING: 8 April 2021

DEVELOPMENT: Sunny Pines Planned Development

LOCATION: 751 St. Paul Avenue

COUNCIL DISTRICT: District 6 and Super District 8

OWNER/APPLICANT: Ryan Fleming of Jules Verne, LLC

REPRESENTATIVE: Tim McCaskill of McCaskill and Associates, Inc.

REQUEST: Special use permit for a planned residential development

AREA: 1.0 acre

EXISTING ZONING: Residential Urban – 3

CONCLUSIONS (p. 29)

- Ryan Fleming dba Jules Verne, LLC has requested a special use permit for a planned residential development.
- The subject parcel comprises the majority of the St. Paul Ave. National Historic District, containing seven historic two-family homes. These homes which front St. Paul occupy the northern half of the parcel, and green space occupies the southern half.
- Mr. Fleming's proposal is to create eight lots: one for each of the seven existing two-family homes, as well as one for a future two-story apartment complex. The proposed apartment complex to be built in the existing green space consists of three breezeway-connected buildings that contain a total of 18 one-bedroom units, each with an externally-accessed front door.
- This development is not eligible for approval as a major subdivision because: 1) the proposed two-family lots do not meet minimum lot width or area standards and 2) the proposed apartment complex does not meet minimum setback standards.
- Although planned developments can supersede most zoning requirements, they cannot supersede the planned development approval criteria one of which (Sub-Section 4.10.4C) requires that all dwelling units within a planned development be provided off-street parking. As proposed, seven of the eight lots do not have off-street parking. The site plan as submitted is therefore ineligible for approval.
- Staff recommends approval of the planned development, as conditioned. Recommended conditions require that off-street parking be provided for all dwelling units in a safe and accessible way, that the development be appropriately screened and streetscaped, and that the design account for the site's historical context. Staff finds that any reduction in density necessary to meet the conditions is warranted both by the extraordinarily small area of the proposed lots and in the interest of surrounding properties.

CONSISTENCY WITH MEMPHIS 3.0 (pp. 31-33)

Per the Department of Comprehensive Planning, the proposal is *consistent* with the Memphis 3.0 General Plan.

RECOMMENDATION (pp. 29-30)

Approval with outline plan conditions

Staff Writer: Brett Davis E-mail: brett.davis@memphistn.gov

GENERAL INFORMATION

Street Frontage: St. Paul Avenue (Local Street) 284 linear feet

Boyd Street (Local Street) 159 linear feet

Unnamed alley 159 linear feet

Zoning Atlas Page: 2030

Parcel ID: 011027 00001

Existing Zoning: Residential Urban – 3

NEIGHBORHOOD MEETING

The required neighborhood meeting was held via Zoom at 10 a.m. on 1 February 2021.

PUBLIC NOTICE

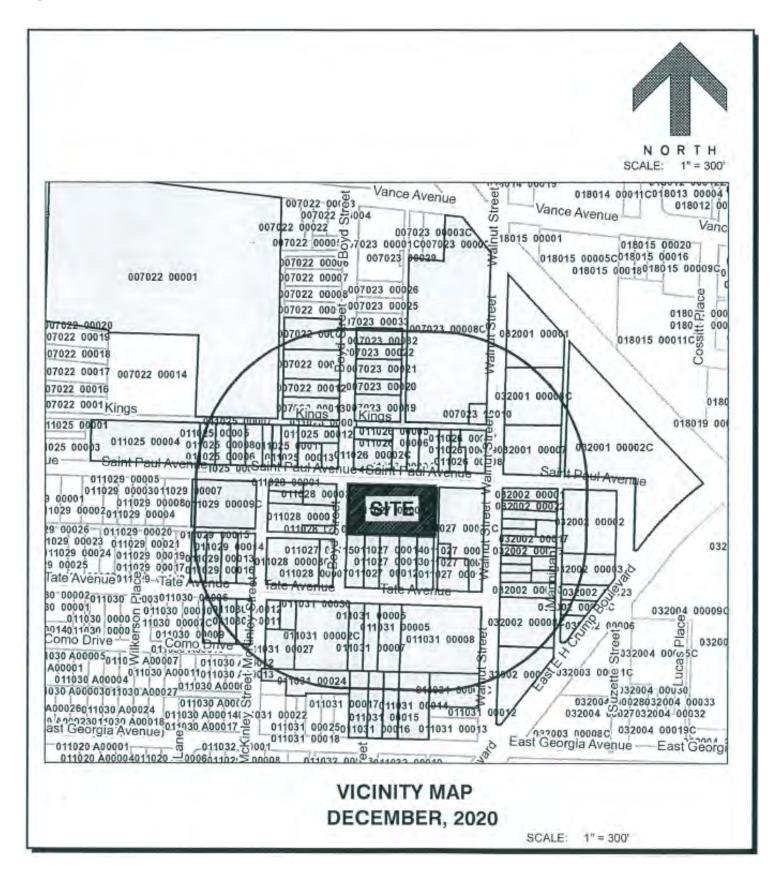
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. 79 notices of public hearing were mailed on 16 March 2021; two signs have been posted. The sign affidavit has been added to this report.

LOCATION MAP

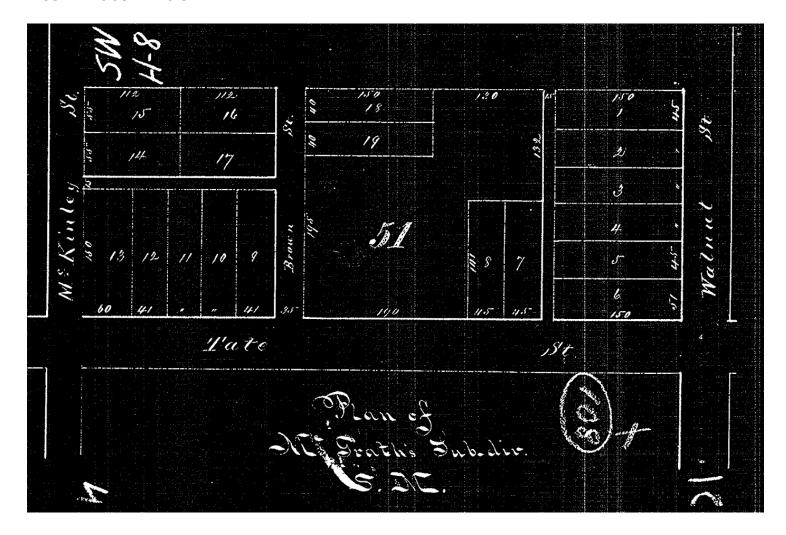


Subject property located in the St. Paul Avenue National Historic District

VICINITY MAP



MCGRATH'S SUBDIVISION



Staff does not know the date of this unrecorded subdivision plat. However, the "S.M." at its bottom may indicate it was part of the former municipality of South Memphis.

AERIAL PHOTOGRAPH



ZONING MAP



Existing Zoning: Residential Urban – 3

Surrounding Zoning

North: Residential Urban – 3

East: Commercial Mixed Use – 3

South: Residential Urban – 3

West: Residential Urban – 3

LAND USE MAP



- COMMON AREA LAND
- SINGLE-FAMILY
- MULTI-FAMILY
- INSTITUTIONAL
- COMMERCIAL
- OFFICE
- INDUSTRIAL
- PARKING
- RECREATION/OPEN SPACE
- VACANT

SITE PHOTOS



View of existing two-family homes on St. Paul from Boyd



View of existing two-family homes on St. Paul from alley



View of alley right-of-way from St. Paul



View of rear yard of existing parcel



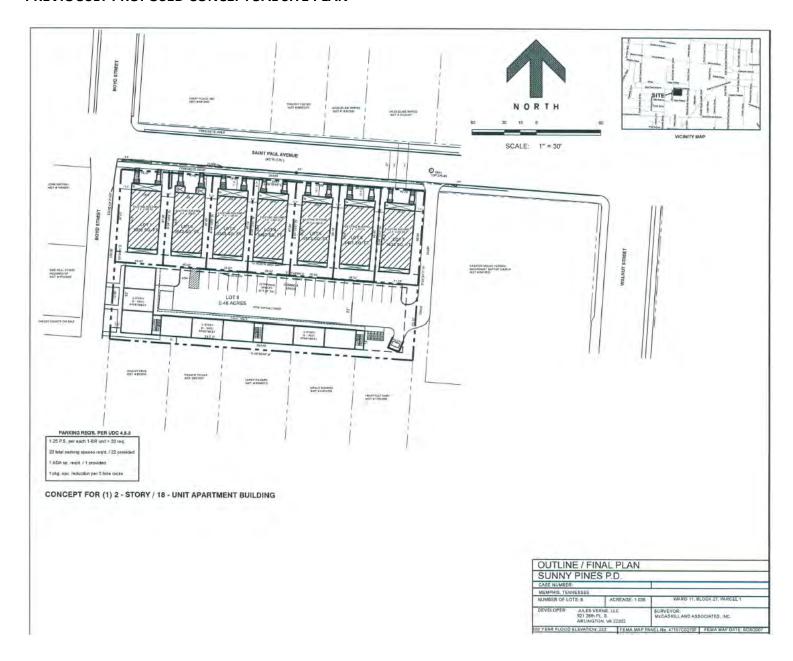
View north down Boyd. Subject property is to the right.

REVISED CONCEPTUAL SITE PLAN



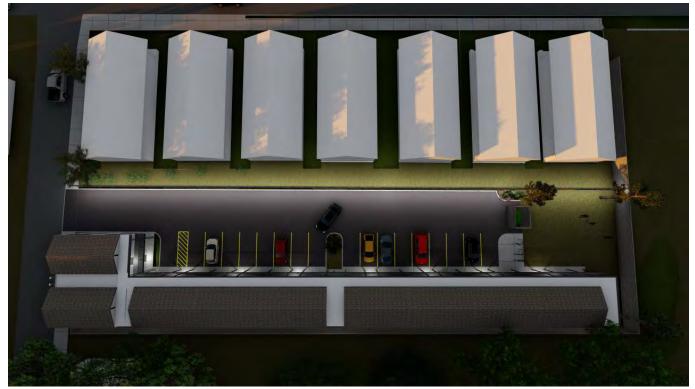
This site plan – as well as the proposed renderings and floor plan – were submitted by the applicant one day prior to publication of this report (31 March 2021).

PREVIOUSLY PROPOSED CONCEPTUAL SITE PLAN



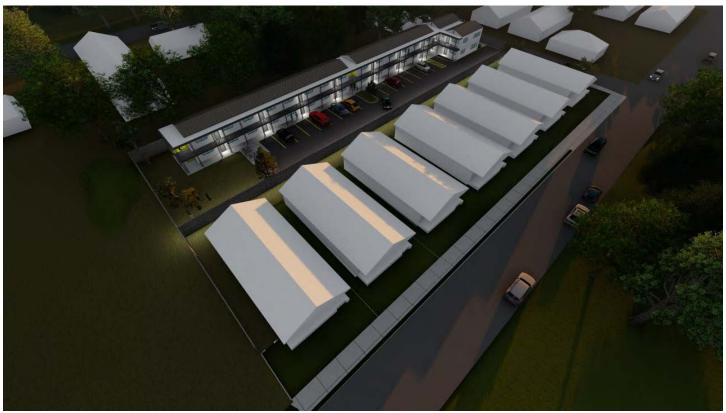
PROPOSED RENDERINGS





A second set of elevations that feature the apartment complex with a flat roof were submitted but have not been included in this report. Staff has recommended the requirement of an asphalt-shingled gable roof.





















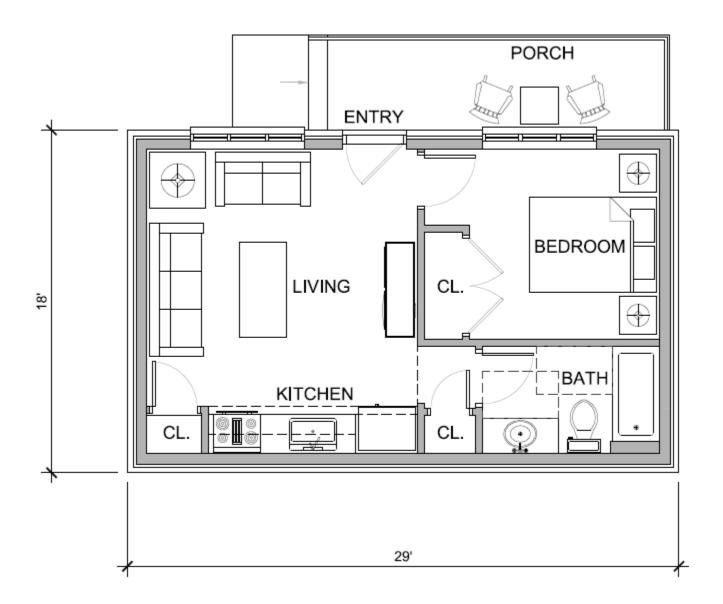








PROPOSED FLOOR PLAN



STAFF ANALYSIS

Request

The request is for a special use permit for a planned residential development. The proposal is to create eight lots: one for each of the seven existing two-family homes, as well as one for a future two-story apartment complex. The proposed apartment complex consists of three buildings, connected by breezeways, that contain a total of 18 one-bedroom units. The applicant did not request specific outline plan conditions.

The application and letter of intent have been added to this report.

Applicability

Staff *agrees* the applicability standards and criteria as set out in Section 4.10.2 of the Unified Development Code are or will be met.

4.10.2 Applicability

The governing bodies may, upon proper application, grant a special use permit for a planned development (see Chapter 9.6) for a tract of any size within the City or for tracts of at least three acres in unincorporated Shelby County to facilitate the use of flexible techniques of land development and site design, by providing relief from district requirements designed for conventional developments, and may establish standards and procedures for planned developments in order to obtain one or more of the following objectives:

- A. Environmental design in the development of land that is of a higher quality than is possible under the regulations otherwise applicable to the property.
- B. Diversification in the uses permitted and variation in the relationship of uses, structures, open space and height of structures in developments intended as cohesive, unified projects.
- C. Functional and beneficial uses of open space areas.
- D. Preservation of natural features of a development site.
- E. Creation of a safe and desirable living environment for residential areas characterized by a unified building and site development program.
- F. Rational and economic development in relation to public services.
- G. Efficient and effective traffic circulation, both within and adjacent to the development site, that supports or enhances the approved transportation network.
- H. Creation of a variety of housing compatible with surrounding neighborhoods to provide a greater choice of types of environment and living units.
- I. Revitalization of established commercial centers of integrated design to order to encourage the rehabilitation of such centers in order to meet current market preferences.
- J. Provision in attractive and appropriate locations for business and manufacturing uses in well-designed buildings and provision of opportunities for employment closer to residence with a reduction in travel time from home to work.
- K. Consistency with the Memphis 3.0 General Plan.

General Provisions

Staff *agrees* the general provisions standards and criteria as set out in Section 4.10.3 of the Unified Development Code are or will be met.

4.10.3 General Provisions

The governing bodies may grant a special use permit for a planned development which modifies the applicable

district regulations and other regulations of this development code upon written findings and recommendations of the Land Use Control Board and the Zoning Administrator which shall be forwarded pursuant to provisions contained in this Chapter.

- A. The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.
- B. An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development.
- C. The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for structures, parking and loading areas or access way shall be landscaped or otherwise improved except where natural features are such as to justify preservation.
- D. Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest.
- E. Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements.
- F. Lots of record are created with the recording of a planned development final plan.

Residential Criteria

Staff *disagrees* the additional planned residential development criteria as set out in Section 4.10.4 of the Unified Development Code are or will be met, *as proposed*; however, staff *agrees* they are or will be met, *as conditioned*. As proposed, off-street parking is not provided for the 14 existing single-family attached dwelling units and additionally is not screened – both in violation of Sub-Section 4.10.4C.

4.10.4 Planned Residential Developments

In addition to the standards and criteria set forth in Section 4.10.3, planned residential developments shall comply with the standards and criteria set forth below:

A. Formal Open Space

A minimum of 0.6% of the total land area of a planned residential development of 15 acres or more shall be subject to the formal open space requirements of Section 6.2.3. No open area may be delineated or accepted as formal open space under the provisions of this Chapter unless it meets the standards of Chapter 6.2, Open Space.

B. Accessibility of Site

All proposed streets, alleys and driveways shall be adequate to serve the residents, occupants, visitors or other anticipated traffic of the planned residential development. The location of the entrance points of the streets, alleys and driveways upon existing public roadways shall be subject to the approval of the City or County Division of Public Works.

C. Off-Street Parking

Off-street parking shall be conveniently accessible to all dwelling units and other uses. Where appropriate, common driveways, parking areas, walks and steps may be provided, maintained and lighted for night use. Screening of parking and service areas shall be required through use of trees, shrubs and/or hedges and screening walls.

D. Pedestrian Circulation

The pedestrian circulation system and its related walkways shall be separated, whenever feasible,

from the vehicular street system in order to provide an appropriate degree of separation of pedestrian and vehicular movement.

E. Privacy

The planned residential development shall provide reasonable visual and acoustical privacy for dwelling units within and adjacent to the planned residential development. Protection and enhancement of property and the privacy of its occupants may be provided by the screening of objectionable views or uses and reduction of noise through the use of fences, insulation, natural foliage, berms and landscaped barriers. High-rise buildings shall be located within the development in such a way as to minimize any adverse impact on adjoining low rise buildings.

F. Distance Requirements

Where minimum distance requirements are provided between single family residential zoning districts and certain stipulated uses in this Code, the single-family residential areas of planned developments shall be considered zoned residential.

Approval Criteria

Staff *agrees* the approval criteria as set out in Section 9.6.9 of the Unified Development Code are being met, *as* conditioned.

9.6.9 Approval Criteria

No special use permit or planned development shall be approved unless the following findings are made concerning the application:

- A. The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.
- B. The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations.
- C. The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or that the applicant will provide adequately for such services.
- D. The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance.
- E. The project complies with all additional standards imposed on it by any particular provisions authorizing such use.
- F. The request will not adversely affect any plans to be considered (see Chapter 1.9), or violate the character of existing standards for development of the adjacent properties.
- G. The governing bodies may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to ensure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this development code.
- H. Any decision to deny a special use permit request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record, per the Telecommunications Act of 1996, 47 USC 332(c)(7)(B)(iii). The review body may not take into account any environmental or health concerns.

Site Description

This 1.0-acre parcel contains seven two-family homes. Please refer to the narrative description and inventory of properties within the attached St. Paul Avenue National Historic District Registration Form for more information.

Site Plan Review

The italicized portions of this review discuss certain provisions with which the proposed site plan does not comply, as well as whether staff recommends granting the requested relief. All such provisions concern lot size, lot width, and setbacks.

Non-italicized portions of this review discuss relevant provisions to be enforced during final plan review.

- Per Section 2.5.2, both requested uses two-family home and apartment are permitted by right. 44%, (14) of the total proposed dwelling units are within two-family homes, and 56% (18) are within apartments.
- The proposed two-family lots are subject to the building envelope standards of Section 3.7.2.
 - The proposed two-family lots do not meet the minimum lot area of 8000 square feet. Their lot areas range from approximately 3300 to 4000 square feet. Staff recommends eliminating this requirement, as requested.
 - The proposed two-family lots do not meet the minimum lot width of 50 feet. Their lot widths range from approximately 38 to 46 feet. Staff recommends eliminating this requirement, as requested.
 - o Provisionally, the minimum front setbacks of the proposed two-family lots are 20 feet; the minimum interior side setbacks 5 feet; the minimum street side setback 10 feet; and the minimum rear setbacks 20 feet. Staff recommends reducing the minimum front and rear setbacks, as requested.
 - Any existing nonconforming structure shall be considered legal per Chapter 10.3, no matter the setback.
 - Note that porches are permitted to encroach, per Paragraph 3.2.9E(4).
- The proposed apartment lot is subject to the building envelope standards of Section 3.9.2.
 - o There is no minimum lot area or lot width.
 - The proposed apartment complex, with a front setback of 10 feet, does not meet the proposed lot's minimum front setback of 20 feet. Staff recommends reducing this minimum front setback, as requested.
 - The proposed apartment complex appears to meet the proposed lot's minimum interior side setback of 5 feet. Staff recommends increasing these minimum side setbacks to 7 feet.
 - The proposed apartment complex appears to meet the proposed lot's minimum rear setback of 15 feet.
- The minimum parking ratios are determined by Sub-Section 4.5.3B, with potential reductions per Sub-Section 4.5.3E. Accessible parking is required.
- The minimum dimensions of parking spaces and drive aisles are subject to the standards of Sub-Section 4.5.5A.
- The parking area shall be landscaped in accordance with Sub-Section 4.5.5D.
- The trash collection service area shall comply with the standards of Sub-Section 4.6.8B.
- Per Sub-Section 4.10.3C, all unused land shall be landscaped or otherwise improved.
- All lots must have off-street parking per Sub-Section 4.10.4C. The proposed two-family lots do not meet this standard because, as configured, the apartment complex has exclusive access to the parking area.

Conclusions

Ryan Fleming – dba Jules Verne, LLC – has requested a special use permit for a planned residential development.

The subject parcel comprises the majority of the St. Paul Ave. National Historic District, containing seven historic two-family homes. These homes – which front St. Paul – occupy the northern half of the parcel, and green space occupies the southern half.

Mr. Fleming's proposal is to create eight lots: one for each of the seven existing two-family homes, as well as one for a future two-story apartment complex. The proposed apartment complex – to be built in the existing green space – consists of three breezeway-connected buildings that contain a total of 18 one-bedroom units, each with an externally-accessed front door.

This development is not eligible for approval as a major subdivision because: 1) the proposed two-family lots do not meet minimum lot width or area standards and 2) the proposed apartment complex does not meet minimum setback standards.

Although planned developments can supersede most zoning requirements, they cannot supersede the planned development approval criteria – one of which (Sub-Section 4.10.4C) requires that all dwelling units within a planned development be provided off-street parking. As proposed, seven of the eight lots do not have off-street parking. The site plan as submitted is therefore ineligible for approval.

Staff recommends approval of the planned development, as conditioned. Recommended conditions require that off-street parking be provided for all dwelling units in a safe and accessible way, that the development be appropriately screened and streetscaped, and that the design account for the site's historical context. Staff finds that any reduction in density necessary to meet the conditions is warranted both by the extraordinarily small area of the proposed lots and in the interest of surrounding properties.

RECOMMENDATION

Staff recommends *approval* with the following outline plan conditions:

- I. Building Envelope Standards
 - A. A maximum of seven two-family lots shall be permitted. They shall not be subject to minimum lot area or width standards.
 - B. All lots shall have minimum front setbacks of 10 feet and maximum front setbacks of 20 feet.
 - C. The apartment lot shall have minimum side setbacks of 7 feet.
 - D. The two-family lots shall have minimum rear setbacks of 10 feet.
 - E. The rear property line of the two-family lots shall be located a minimum of 10 feet from the existing structures.
 - i. The Zoning Administrator may require that the rear yard of each two-family lot be individually enclosed with high-quality fencing.
 - F. No structure built after approval of this planned development shall be located closer than seven feet to any other structure.
 - G. Each apartment that fronts Boyd shall have a front balcony or porch/patio (depending on its floor) with a minimum area of 6 by 8 feet. The Zoning Administrator may require that patios be enclosed by a short wall of high-quality materials.

- H. Any apartment building that fronts Boyd shall have a foundation height of at least 18 inches, as measured from top of grade to the first finished floor.
- I. A maximum height of two stories shall be permitted on all lots.
- J. The apartment lot shall have a minimum building frontage of 50%.
- K. The apartment complex shall have an asphalt-shingled gable roof.

II. General Development Standards

- A. The existing St. Paul sidewalk shall be brought into good repair, including any necessary replacement prior to the recording of a final plan. Street trees shall not be required along St. Paul.
- B. A streetscape plate either S 1, 2, 3, 4, 13, 14, or 15 shall be installed along Boyd. The Zoning Administrator may reduce the width of the streetscape plate if it is determined that strict adherence is impractical due to site constraints, including the location of a structure built prior to approval of this planned development.
- C. Off-street parking shall be provided to all dwelling units within this planned development, including those within the apartment complex and the existing two-family homes.
 - i. The minimum number of parking spaces per dwelling unit shall be in accordance with Section 4.5.3.
 - ii. The Zoning Administrator may require walkways, gates, and/or similar facilities to provide convenient access between the parking area and all dwelling units.
 - iii. The parking area shall be lighted in a manner appropriate for a residential district.
 - iv. The Zoning Administrator may require that bicycle parking if provided be covered to protect bicycles from the elements.
 - v. A landscape buffer with a minimum width of 3 feet shall be provided where two-family lots border the parking area.
- D. A Type A landscape buffer shall be provided along the southern border of the development. The Zoning Administrator may accept existing fencing in partial fulfilment of this condition.
- E. All existing chain link fencing shall be removed. No chain link fencing shall be permitted.

III. Infrastructure and Public Improvements

- A. The Zoning Administrator may require right-of-way dedication and improvement at Boyd, the corner of Boyd and St. Paul, and the alley in accordance with the standards of the City Engineer.
- B. The alley shall be paved from St. Paul to Tate to allow for one-way traffic flow. One-way signs shall be installed immediately following construction.
- C. A property owners' association shall be formed concurrently with the recording of the final plan. Said association shall be responsible for the perpetual maintenance of the adjacent alley from St. Paul to Tate, as well as the shared parking area. The parking area shall be a common open space owned by the property owners' association.
 - i. This condition may be modified by the Zoning Administrator if the applicant presents an equivalent, alternative parking plan that guarantees: 1) perpetual maintenance of both the alley and parking and 2) parking access to all dwelling units.

IV. Final Plan

- A. The existing two-family homes shall not be issued demolition permits without an amendment to this planned development, subject to approval by City Council.
- B. All standards of the Unified Development Code not modified by these conditions shall apply in accordance with the underlying zoning.
- C. The final plan subject to administrative review and approval shall include the outline plan conditions, the site plan, the landscape plan, the lighting plan, and elevations of structures and other facilities.

DEPARTMENTAL COMMENTS

The following comments were provided by agencies to which this application was referred:

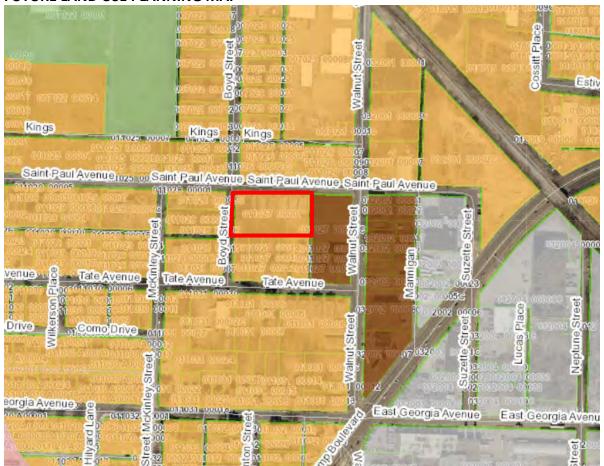
Dept. of Comprehensive Planning:

Land Use Designation (see page 80 for details): Anchor Neighborhood- Mix of Building Types (AN-M)

Based on the future land use and degree of change map the proposal <u>IS CONSISTENT</u> with the Memphis 3.0 Comprehensive Plan.

The following information about the land use designation can be found on pages 76 - 122:

1. FUTURE LAND USE PLANNING MAP



Red polygon indicates the application sites on the Future Land Use Map.

2. Land use description & applicability:

Mix of Building Types Anchor Neighborhoods are a combination of one to three-story house-scale buildings with building scale large home and apartments of up to four stories close to anchors and along corridors. In these neighborhoods is a mix of attached, semi-detached, and detached residential, all located within a 10-minute walk from the anchor destination. Any mixed-use is along corridors, allowing shopping destinations to connect between mixed-use and residential neighborhoods.



"AN-M" Goals/Objectives:

Preservation, stabilization, and/or intensification of neighborhoods, focusing investment toward areas that support plan goals and objectives, locating housing near services, jobs, transit, building up not out

"AN-M" Form & Location Characteristics:

NURTURE/SUSTAIN - Primarily detached, single-family residences. Attached single-family, duplexes, triplexes and quadplexes permitted on parcels within 100 feet of an anchor and at intersections where the presence of such housing type currently exists; Other housing and commercial types along avenues, boulevards and parkways as identified in the Street Types Map where same types exist on two or more adjacent parcels. Height: 1-3 stories. Scale: house-scale.

The applicant is seeking approval for a planned development with the intention of developing multi-family dwelling units within the vacant portion of the parcel located at the southeast corner of Saint Paul Avenue and Boyd Street. The proposed development will be approximately 10,000 sq. feet and include (18) one-bedroom dwelling units.

The request meets the criteria because the proposed development would be two storied multi-family dwelling units which is compatible with AN-M. The dwelling units will help stabilize and intensify the character of the neighborhood.

3. Existing, Adjacent Land Use and Zoning

The subject site is surrounded by the following land uses: Single-Family, Multi-Family, and Vacant. The subject site is surrounded by the following zoning districts: Residential Urban – 3 (RU-3), and Commercial Mixed Uses–3 (CMU-3). This requested land use is compatible with the adjacent zoning districts and land use because existing zoning districts surrounding the parcels is similar in nature to the requested use.

4. Degree of Change map



Red polygon denotes the proposed site in Nurture Degree of Change area.

5. Degree of Change Descriptions

Requested parcel is designated as Nurture areas on the degree of change map.

Nurture areas rely primarily on public and philanthropic resources to stabilize the existing pattern of a place.

Actions for Nurture anchors and anchor neighborhoods are meant to:

- Stabilize the community
- Protect and support community assets
- Protect and stabilize existing affordable housing
- Promote activities that will stimulate market activity

Ways to Nurture:

- "Road diets" reduce the number of lanes to make room for wider sidewalks, bike lanes, and/or on-street parking
- Improve pedestrian realm (sidewalks, crosswalks, planting buffer and street trees, street lights, street furniture)
- Repurpose vacant land as temporary civic space
- Grants for small business frontage improvement

- Reduce number of curb cuts to improve pedestrian and cyclist safety (access management)
- · Enhance connectivity to transit network
- Introduce or improve bike lanes and sidewalks
- Improve public access points (covered bus stops, benches)
- Improve public services (trash cleanup and collection)
- Control scale and frequency of signage
- Plan community programs on streets or vacant lots (markets, festivals)
- Upgrade infrastructure to improve flood control and internet access
- Improve existing parks and civic buildings and spaces
- Allow increased density and building height
- Allow a broader mix of uses

The proposed application is congruent with the degree of change designation as it will stimulate low-income housing market activity, increase the density of the neighborhood and improve multi-modal access management by providing space for bike parking.

Based on the information provided, the proposal IS CONSISTENT with the Memphis 3.0 Comprehensive Plan.

Summary Compiled by: Faria Urmy, Comprehensive Planning.

City Engineer:

1. Standard Subdivision Contract or Street Cut Permit as required in Section 5.5.5 of the Unified Development Code.

Sewers:

- 2. City sanitary sewers are available to serve this development.
- 3. All sewer connections must be designed and installed by the developer. This service is no longer offered by the Public Works Division.

Roads:

- 4. The Developer shall be responsible for the repair and/or replacement of all existing curb and gutter along the frontage of this site as necessary.
- All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA
 compliance. The developer shall be responsible for any reconstruction or repair necessary to meet City
 standards.
- 6. Dedicate and improve from centerline of Boyd Street sufficient to provide at least 24 feet of pavement.
- 7. Dedicate and improve a 15 foot curb radius at the intersection of St. Paul at Boyd.
- 8. The existing 13 foot wide alley is too narrow for two-way traffic. Create a minimum 20 foot wide drive to access the proposed parking lot.

Traffic Control Provisions:

- 9. The developer shall provide a traffic control plan to the city engineer that shows the phasing for each street frontage during demolition and construction of curb gutter and sidewalk. Upon completion of sidewalk and curb and gutter improvements, a minimum 5 foot wide pedestrian pathway shall be provided throughout the remainder of the project. In the event that the existing right of way width does not allow for a 5 foot clear pedestrian path, an exception may be considered.
- 10. Any closure of the right of way shall be time limited to the active demolition and construction of sidewalks and curb and gutter. Continuous unwarranted closure of the right of way shall not be allowed for the duration of the project. The developer shall provide on the traffic control plan, the time needed per phase to complete that portion of the work. Time limits will begin on the day of closure and will be monitored by the Engineering construction inspectors on the job.
- 11. The developer's engineer shall submit a Trip Generation Report that documents the proposed land use, scope and anticipated traffic demand associated with the proposed development. A detailed Traffic Impact Study will be required when the accepted Trip Generation Report indicates that the number for projected trips meets or exceeds the criteria listed in Section 210-Traffic Impact Policy for Land Development of the City of Memphis Division of Engineering Design and Policy Review Manual. Any required Traffic Impact Study will need to be formally approved by the City of Memphis, Traffic Engineering Department.

Curb Cuts/Access:

12. The City Engineer shall approve the design, number and location of curb cuts. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.

Drainage:

- 13. A grading and drainage plan for the site shall be submitted to the City Engineer for review and approval prior to recording of the final plat.
- 14. Drainage improvements, including possible on-site detention, shall be provided under a Standard Subdivision contract in accordance with Unified Development Code and the City of Memphis/Shelby County Storm Water Management Manual.
- 15. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.
- 16. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City and/or County Engineer's Office. Such maintenance shall include, but not be limited to removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.
- 17. The developer should be aware of his obligation under 40 CFR 122.26(b)(14) and TCA 69-3-101 et. seq. to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of storm water associated with the clearing and grading activity on this site.

City Fire Division:

- All design and construction shall comply with the 2015 edition of the International Fire Code (as locally amended) and referenced standards.
- Fire apparatus access shall comply with section 503. Where security gates are installed that affect required fire apparatus access roads, they shall comply with section 503.6 (as amended).
- Conceptual plans submitted show required Fire department access extends beyond 150' requiring approved turnaround per 2015 IFC section 503 amended (Annex D)
- Fire protection water supplies (including fire hydrants) shall comply with section 507.
- Where fire apparatus access roads or a water supply for fire protection are required to be installed, such
 protection shall be installed and made serviceable prior to and during the time of construction except
 when approved alternate methods of protection are provided.

 A detailed plans review will be conducted by the Memphis Fire Prevention Bureau upon receipt of complete construction documents. Plans shall be submitted to the Shelby County Office of Code Enforcement.

City Real Estate:

County Health Department:

No comments received.

ST. PAUL AVENUE NATIONAL HISTORIC DISTRICT REGISTRATION FORM

NPS Form 10-900 (Oct. 1990)			OMB No. 1024-0018
United States Department of the Interior National Park Service		RECEIVED 2280	1533
National Register of Historic Places Registration Form	3	\$ 16 ms	150
1. Name of Property		MAT. REGISTER OF HISTORIC PLACE NATIONAL PARK SERVICE	ES
historic name: St. Paul Avenue Historic Distriction other name/site number: N/A	ct		
2. Location			
street & number: 751-53 to 775-77 St. Paul Avenu city or town: Memphis state Tennessee code TN cour		et NA not for publication N/A vicinity 57 zip code 38126	,
3. State/Federal Agency Certification			
Signature of certifying official Deputy SHPO, Tenn. History State or Federal agency and bureau In my opinion, the property meets does not additional comments.)	orical Comm.) t meet the National Regi	Date Date See conti	nuation sheet for
Signature of commenting or other official	Date		-<
State or Federal agency and bureau	0.00		
4. National Park Service Certification I, hereby certify that this property is:	Eigenture of the Ke	Beell Beell	Jate of Action 12 · 17 · 98
	-		_

Name of Property

Category of Property:

Memphis, Shelby Co., TN

County and State

5. Classification

Ownership of Property: Number of Resources within Property: private

(Do not include previously listed resources in the count)

Contributing

Noncontributing 11 buildings 0 0 sites 0 0 structures

0 11

0 objects Total 1

Name of related multiple

property listing:

Number of contributing resources previously

listed in the National Register: N/A

Historic Residential Resources of Memphis, Shelby County, Tennessee

district

6. Function or Use

Historic Functions:

DOMESTIC DOMESTIC Sub: single dwelling

multiple dwelling

Current Functions:

DOMESTIC DOMESTIC Sub: single dwelling

multiple dwelling

7. Description

Architectural Classification:

Colonial Revival Craftsman Queen Anne

Other Description: double shotgun

Materials

foundation BRICK

roof ASPHALT SHINGLES walls WOOD/weatherboard other BRICK/porch piers

Narrative Description

See continuation sheets.

Name of Property

Memphis, Shelby Co., TN County and State

0 6464	ament of Significance	
	tement of Significance cable National Register Criteria	Areas of Significance
х а	Property is associated with events that have made a significant contribution	ARCHITECTURE
	to the broad patterns of our history.	COMMUNITY PLANNING & DEVELOPMENT
В	Property is associated with the lives of persons significant in our past.	
хс	Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.	Period of Significance Ca. 1895 to ca. 1923
D	Property has yielded, or is likely to yield, information important in prehistory or history.	
Criteri	a Considerations N/A	Significant Dates
		N/A
Prope	rty is: owned by a religious institution or used for	
_^	, ,	
_	religious purposes	
	removed from its original location.	Circuitional Possons
	a birthplace or grave	Significant Persons
	a cemetery	N/A
	a reconstructed building, object, or structure	Cultural Affiliation
	a commemorative property	N/A
G	less than 50 years of age or achieved significa-	ance Architect/Builder
	within the past 50 years.	Unknown
	ive Statement of Significance entinuation sheets.	
Biblio	IOR BIBLIOGRAPHICAL REFERENCES graphy entinuation sheet.	
	us Documentation on File (NPS): N/A	Primary Location of Additional Data:
pr pr pr de re	eliminary determination of individual listing 6 CFR 67) has been requested. eviously listed in the National Register eviously determined eligible by the National Register esignated a National Historic Landmark corded by Historic American Buildings Survey	State Historic Preservation Office Other State agency Federal agencyLocal governmentUniversityOther Name of repository:

Name of Property

Memphis, Shelby Co., TN

County and State

10. Geographical Data

Acreage of Property:

approximately 2 acres

USGS Quad Map Name:

Northwest Memphis 404NE

UTM References: Zone

Easting Northing

16

3891380

Zone 3

Easting Northing

2

770120 4

See continuation sheet.

Verbal Boundary Description: See continuation sheet.

Boundary Justification:

See continuation sheet.

11. Form Prepared By

name/title:

John Linn Hopkins & Marsha R. Oates

organization:

Hopkins & Associates

date:

street & number:

974 Philadelphia Street

telephone: (901) 278-5186

city or town:

Memphis

state: TN

zip code:

38104

Property Owner

name:

See attached list.

street & number:

telephone:

city or town:

state:

zip code:

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National Register of Historic Places Continuation Sheet

St. Paul Avenue Historic District Memphis, Shelby County, TN

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NARRATIVE DESCRIPTION

The St. Paul Avenue Historic District is a small group of nine double-shotguns and two larger single family houses developed along St. Paul Avenue and Boyd Street between ca. 1890 and ca. 1923 to the west of Walnut Street in the City of Memphis, Shelby County, Tennessee.

The resources in the district were created by two separate waves of development, one overlaying the next, that occurred over roughly a forty year span of time. As a result, the characteristics in evidence in the district today range widely between those created during its first phase of development, ca. 1890-ca. 1915, and those of the second phase, in 1923.

The original McCadden (Plat Book 2: 36; June 23, 1888) and McGrath (R 81: 338; n. d.) subdivisions had lot sizes ranging from 49' to 80' in frontage, with depths of 120 to 150 feet, running to rear alleys in mid-block. Houses were set back from the street 25 to 35 feet, with side yard setbacks ranging from 20 to 30 feet. There are two houses in the district which reflect these development characteristics, located at 764 St. Paul Avenue and 588 Boyd Avenue.

The original lot size and setback characteristics in the district changed as the area changed from primarily single-family to multi-family use. Though the area was never re-subdivided, unsold lots were combined and developed for multi-family use, to the extent allowable by building regulation within the subdivision framework. The new duplex units developed ca. 1910 (no longer extant) and those developed in 1923 redefined the setting, with front yard setbacks of only 10 feet, and side yard setbacks of approximately 7 to 10 feet.

The setting of the district is characterized by the general lack of street trees, due in part to the closeness of the duplex residences to the street. The few ornamental trees and plants in evidence surround the two formerly single-family properties in the district; the double-shotguns have been landscaped with occasional individual plantings of low ornamental shrubs and flowers.

Because it is a small area with an unusual development history, the district has only a few architectural styles and house types. Architectural styles include the Queen Anne, the Colonial Revival, and the Craftsman. Forms of traditional house types existing in the district include the Queen Anne house, the four-square, and the double-shotgun. The two larger houses in the district may be the work of prominent local architects or builders, their identity is not known. The same is true for the builder of the double-shotgun houses.

An inventory of the buildings contained within the district follows. Buildings constructed during the period of the district's significance which retain their architectural integrity are considered to contribute to its historic character and are labeled (C). Buildings which were constructed after the

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National Register of Historic Places	
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period of the district's significance or which have been so character do not contribute to the significance of the district	
INVENTORY OF PROPERTIES	
Boyd Street	
01 558 Boyd Street (C) Two-story, three-bay, brick-veneered ff 1910-15. Complex hip and gable roof with box cornice and a gable-fi asphalt shingles. Windows are 1/1 double-hung sashes, some in gro supported by columns with Scamozzi capitals, raised on cast stone be door surrounded by replacement transom and sidelights.	ront dormer with a Palladian window, covered with oups of two or three. Full-width, hip-roofed porch
Garage/quarters, ca. 1910-15 and altered ca. 1955-60. Two-story, shingles, Masonite siding, 1-1 sliding metal frame windows. (NC)	frame, three-bay, gable and shed roofs, asphalt
St. Paul Avenue	
02 751-753 St. Paul Avenue (C) One-story, four-bay, frame do ca. 1920-25. Gable-front roof with exposed rafter tails, covered with radius-edge siding. Windows are 1/1 metal frame replacements. columns with Doric capitals. Entrances contain single-light replacement	asphalt shingles. Exterior walls are covered with Full-width, double-gable-front porch supported by
03 755-75 St. Paul Avenue (C) One-story, four-bay, frame double 25. Gable-front roof with a jerkinhead and exposed rafter tails, covered with radius-edge siding. Windows are 1/1 metal frame replacements, box columns raised on brick bases. Entrances contain single-light replacements.	d with asphalt shingles. Exterior walls are covered Two, one-bay, gable-front porches supported by
04 759-761 St. Paul Avenue (C) One-story, four-bay, frame do 1920-25. Gable-front roof with a jerkinhead and exposed rafter tails, covered with radius-edge siding. Windows are 2/2 double-hung sash hip-roofed porch supported by box columns raised on brick bases. Entre	covered with asphalt shingles. Exterior walls are es and 1/1 metal frame replacements. Full-width,
05 763-765 St. Paul Avenue (C) One-story, four-bay, frame do 1920-25. Gable-front roof with a jerkinhead and exposed rafter tails, covered with radius-edge siding. Windows are 2/2 and 1/1 metal f supported by box columns raised on brick bases. Entrances contain sire	covered with asphalt shingles. Exterior walls are frame replacements. Full-width, hip-roofed porch
06 764 St. Paul Avenue (C) Two-story, four-bay, frame homes	stead house with Queen Anne influence, built ca.

1890-95. Complex gable and hip roof with box cornice, covered with asphalt shingles. Gable ends are enclosed and contain scalloped shingle siding. Exterior walls are covered with ogee-edged weatherboard siding. Windows are 1/1 double-hung sashes. Full-width, L-plan porch supported by turned posts with turned dowel frieze and scroll sawn

brackets. Entrance contains a solid replacement door topped with a single-light transom.

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- <u>07 767-769 St. Paul Avenue</u> (C) One-story, four-bay, frame double-shotgun with Craftsman influence, built ca. 1920-25. Gable-front roof with a jerkinhead and exposed rafter tails, covered with asphalt shingles. Exterior walls are covered with radius-edge siding. Windows are 1/1 double-hung sashes. Full-width, gable-front and hip-roofed porch supported by box columns raised on brick bases. Entrances contain single-light replacement doors.
- <u>08</u> 770-772 St. Paul Avenue (C) One-story, four-bay, frame double-shotgun with Craftsman influence, built ca. 1920-25. Gable-front roof with exposed rafter tails, covered with asphalt shingles. Exterior walls are covered with wide beveled siding. Windows are 6/1 double-hung sashes. Full-width, double-gable front porch supported by brick piers. Entrances contain a three-light replacement door and a multi-light door.
- 09 771-773 St. Paul Avenue (C) One-story, four-bay, frame double-shotgun with Craftsman influence, built ca. 1920-25. Gable-front roof with exposed rafter tails, covered with asphalt shingles. Exterior walls are covered with radius-edge siding. Windows are Craftsman multi-light/1 double-hung sashes. Full-width, double-gable-front porch supported by box columns on raised brick bases. Entrances contain single-light replacement doors.
- 10 774-776 St. Paul Avenue (C) One-story, four-bay, frame double-shotgun with Craftsman influence, built ca. 1920-25. Gable-front roof with exposed rafter tails, covered with asphalt shingles. Exterior walls are covered with wide beveled siding. Windows are Craftsman 3/1 double-hung sashes, some in pairs. Full-width, gable and hip-roofed porch supported by brick piers. Entrances contain single-light replacement doors.
- 11 775-777 St. Paul Avenue (C) One-story, four-bay, frame double-shotgun with Craftsman influence, built ca. 1920-25. Gable-front roof with a jerkinhead and exposed rafter tails, covered with asphalt shingles. Exterior walls are covered with radius-edge siding. Windows are 2/2 metal frame replacements, some in pairs. Full-width, gable and hip-roofed porch supported by box columns raised on brick bases. Entrances contain single-light replacement doors.

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STATEMENT OF SIGNIFICANCE

The St. Paul Avenue Historic District is being nominated under criterion C in the area of architecture for its significant collection of double shotgun houses, and under criterion A in the area of community planning and development for its ability to demonstrate patterns in the community planning and development and redevelopment of Memphis nineteenth and twentieth century neighborhoods. The district is nominated under the registration requirements for residential properties set forth in the Multiple Property Documentation Form for Historic Residential Resources of Memphis, Shelby County, TN.

Just before the turn of the twentieth century in Memphis, Walnut Street and East Street lay at the eastern edges of the incorporated limits of the city, and the residential areas developed near the eastern limit were some of its most fashionable at that time. When its development began after 1888, the St. Paul Historic District was located at the extreme edge of the city. By 1895, the Boyd Street portion of the district was being filled with new houses, but the block of St. Paul and Walnut was not, having been developed with only one house (Polk 1895). It appears that over the next ten years, that this "edge" area of Memphis, like others during its time, was quickly surpassed by newer, more fashionable and less expensive areas for development lying to the east of the district. The "leapfrog" effect left earlier areas still not built-out, as newer areas replaced older ones in the real estate dynamics of the times.

A progressive political movement began in Memphis that gained a following among the business community in the mid-1890s; it advocated a cooperative agenda of social reform and economic development, championed by the "Committee of One Hundred," a coalition of business and social reformers. The Committee presented an agenda for the city election of 1897 called "The Greater Memphis Movement," an agenda which included the annexation of more than seven square miles of largely undeveloped suburban territory. The development of new, eastern suburbs was a pressing need, partly due to a period of rapid economic growth led by new industries. Housing was desperately needed to serve a city that would double in population between 1890 and 1900, and then double again by 1930 (Harkins 1982: 103-04).

The election of 1897 brought John J. Williams to the Mayor's office, and with him came the implementation of the agenda of the Greater Memphis Movement. The extension of the city boundaries became a reality in 1899, more than quadrupling its area.

The St. Paul Historic District stands as evidence of the transition between the "old" suburbs and the "new" at the turn of the twentieth century, and in a sense, its development as a single family subdivision was compromised by the Greater Memphis Movement and its outcomes. The middle and

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upper-income housing areas developed in the nineteenth century to the west of Walnut Street were quickly diminished in importance by new eastern subdivisions such as Annesdale-Snowden (NR 10/25/1979), Annesdale Park (NR 12/22/1978), Belvedere (Central Gardens, NR 9/9/1982). In turn, industrial development began to appear along the older railroad corridors like the Southern Railroad (former Memphis & Charleston Railroad), located only two blocks away from the St. Paul district. Nearby industries such as the Ford Motor Company assembly plant, constructed on Union Avenue between 1912 and 1915, drove demand for the development of worker housing within walking distance from the place of work.

Before ca. 1910, the area of the St. Paul Historic District was sparsely developed, with only one single family house on the street between Boyd and Walnut. Boyd Street, on the other hand, was nearly built-out with single-family dwellings, with the exception of a vacant lot at St. Paul and Boyd which remains vacant today. By 1915, however, change had begun on St. Paul Street with the development of three double shotguns (no longer extant) at 780, 782 and 784 St. Paul Street. This character remained constant until 1923, when the construction of all of the existing double shotguns was carried out by Leo Feder, Sr. The speculative development filled quickly with Anglo-American tenants, who worked as carpenters, machinists, salesmen and factory workers. The large house at 764 St. Paul Street remained in single family use at this time, as did the houses along Boyd Street.

The double-shotguns developed on St. Paul Avenue are good examples of pattern architecture, in that their general character and floor plans were constant from one pair of units to the next. However, differing treatments of roofs, window sashes, porch configurations and other elements impart variety to individual units of the assemblage. "Individualized" treatments of rental housing was not a standard practice among speculative developers. The developer's motivation for modifying the architectural treatments from one duplex to the next is not known.

In general terms, the development of single and double shotgun houses as a housing type can be traced to as early as ca. 1865 in Memphis (Hopkins 1997). The earliest examples were built speculatively as primarily owner-occupied structures, either as single units or in groups of perhaps as many as four or five. However, the shotgun was "re-invented" as a form of worker housing beginning ca. 1890 with the immigration of large numbers of former rural farm workers to the cities and towns of the South. Substantial numbers of shotgun houses, and even whole shotgun neighborhoods were developed in Memphis to provide inexpensive rental housing for workers and their families. These developments in Memphis were rarely, if ever associated with one industrial concern as "company housing", but were purely speculative in origin. While many thousands of shotgun houses once stood in Memphis, the municipal initiatives for "slum clearance" and urban renewal have left only a very few of these developments in place, the St. Paul district being one example, along with the

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Me	mphis,	Shelby	/ County	, TN

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Delmar-Lema Historic District (NR 3/12/1998) and the Richmond Street shotgun area, among others scattered around the city.

The general area surrounding the St. Paul Historic District saw a third period of dramatic change during the Depression era that continued in the decades following World War Two. Economic mobility afforded to working Anglo-Americans was generally not available to working African-Americans in the segregated South; and the single-family subdivisions developed in the 1950s that were affordable to working class Anglo-Americans excluded African-Americans. The double shotguns of the district entirely changed in the decade from ca. 1935 to 1945 to occupancy by African-Americans as the Anglo-Americans left the area for new housing opportunities in the eastern suburbs. Though many of the older, large single-family houses in the area were altered for use as boarding houses, the two in the St. Paul district appear to have remained in single-family occupancy, though occupied by tenants instead of owners.

The St. Paul Historic District remains today as a significant record of two major eras in the history of residential development in Memphis, each era represented in the district by particularly distinctive architectural responses to the dynamic social and economic patterns of their respective times. The district remains as a well-preserved record of changing patterns of real estate economics in Memphis and their effect on community development within the period of significance. The two larger houses of the district remain as particularly notable examples of middle class, single-family houses from the period prior to ca. 1910 when this district was developed for single-family housing, while the double-shotgun cottages are themselves notable examples of pattern housing developed when the demand for worker housing in this area of Memphis superseded single-family use.

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Major Bibliographical References
Harkins, John E. Metropolis Of The American Nile. Woodland Hills, CA.: Windsor Publications, 1982.
Hopkins, John Linn, And Marsha R. Oates "Shotgun Houses", An article in <i>The Tennessee Encyclopedia Of History And Culture</i> . Nashville: Tennessee Historical Society: Publication Pending 1998.
Johnson, Judith "Cover form: Shotgun Housing In Memphis, Tennessee", September, 1992. City Of Memphis Cultural Resource Survey.
Memphis Heritage, Inc. "Cover form: Census Tract 45", n. d. City Of Memphis Cultural Resource Survey.
Polk, R. L. Co. Memphis City Directory, 1895, 1910, 1915,, 1918, 1922, 1925, 1940, 1961.
Shelby County Plat Book 2:36; R 81:338

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St. Paul Avenue Historic	District
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GEOGRAPHICAL DATA

Verbal Boundary Description

The property in nomination comprises all of the land in the McAdden Subdivision and McGrath Subdivision identified as parcels 2 to 6 in Block 26, and part of parcel 1 in Block 27, located in Ward 1 of the City of Memphis, as delineated on a portion of Shelby County Tax Map H-8 in heavy black line attached to this nomination.

Boundary Justification

The property in nomination comprises the largest area of contiguous properties which represent and support the historic housing development patterns of St. Paul Avenue and Boyd Street during the period of significance of ca. 1895 to 1923.

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PHOTOGRAPH LIST

Photographs by: John L. Hopkins Date: June 1998

Negatives: Tennessee Historical Commission

Photograph #1 of 6: View of 558 Boyd Street, looking northeast.

Photograph #2 of 6: View of the south side of St. Paul Avenue, looking southeast from 751-753 St. Paul Avenue.

Photograph #3 of 6: View of 751-753 St. Paul Avenue, looking south.

Photograph #4 of 6: View of 767-769 St. Paul Avenue, looking south.

Photograph #5 of 6: View of 764 St. Paul Avenue, looking north.

Photograph #6 of 6: View of 770 - 772 and 774-776 St. Paul Avenue, looking north.

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PROPERTY OWNERS

558 Boyd Street: Herman Williamson

751-753 St. Paul to 755-777 St. Paul Avenue: Harold S. Buehler, Sr.

Buehler Enterprises 2531 Broad Avenue

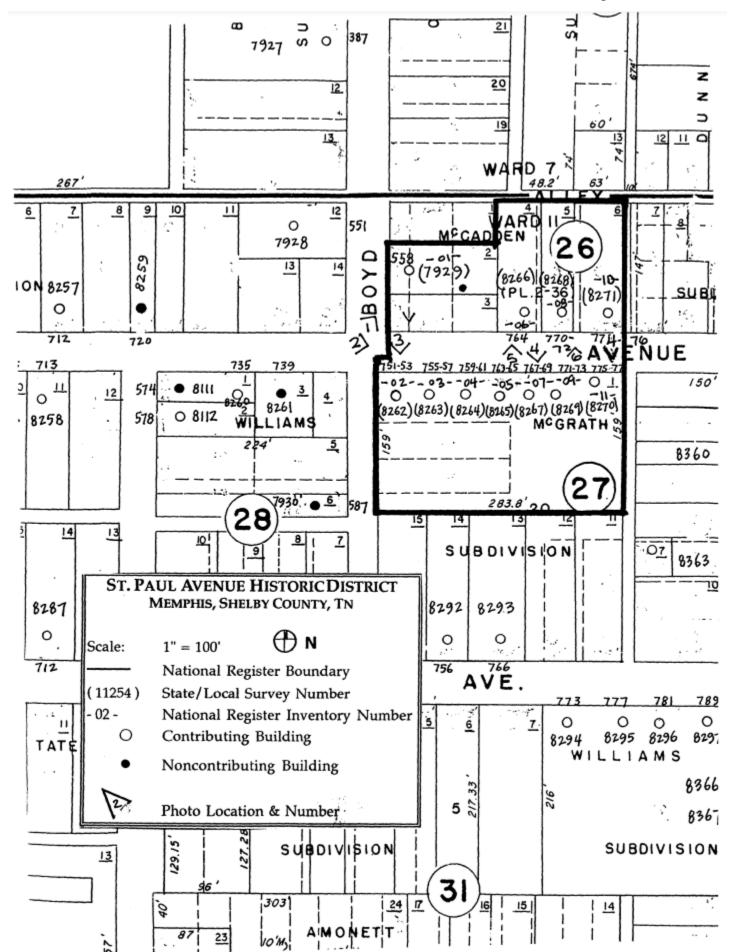
Memphis, Tennessee 38112

764 St. Paul Avenue: Bob Patterson, Trustee

Shelby County, Tennessee

P. O. Box 2751

Memphis, TN 38101-2751



APPLICATION



Memphis and Shelby County Office of Planning and Development CITY HALL 125 NORTH MAIN STREET-SUITE 468 MEMPHIS, TENNESSEE 38103-2084 (901) 576-6601

APPLICATION FOR PLANNED DEVELOPMENT APPROVAL (OUTLINE PLAN APPROVAL/OUTLINE PLAN AMENDMENT)

	PLEASE TYPE	OR PRINT			
Name of Development: Sunny	Pines P.D.				
Property Owner of Record:Jules Verne, LLC		Phone #: 202-630-9879			
Mailing Address: 921 26th Place S	3.	City/State: Arlington, VA	Zip 22202		
Property Owner E-Mail Address:	751saintpaulave@gmail.com	1			
Applicant: Ryan Fleming		Phone # 202-630-9879			
Mailing Address: 921 26th Place S	S	City/State: Arlington, VA	Zip 22202		
Applicant E- Mail Address: 751s	aintpaulave@gmail.com				
Ti McCockill		Phone #: _9	001-382-2577		
Mailing Address: 7891 Stage Hills	Blvd. Suite 112	City/State: Bartlett, TN	Zip 38133		
Representative E-Mail Address:	tim@mccaskillinc.com				
Engineer/Surveyor: McCaskill and Associates, Inc.		Phone # 901-382-2577			
Mailing Address: 7891 Stage Hills	Blvd, Suite 112	City/State: Bartlett, TN	Zip 38133		
Engineer/Surveyor E-Mail Addres	ss: tim@mccaskillinc.com				
Street Address Location: 751	Saint Paul Avenue				
Distance to nearest intersecting str	reet: Southeast corner of Sa	aint Paul Ave. & Boyd Street			
Area in Acres:	Parcel 1 1.036 Acres	Parcel 2 Par	cel 3		
Existing Zoning:	RU-3				
Existing Use of Property	residential				

Amendment(s): Is the applicant applying for an amendment to an existing Planned Development?

Yes No X

The following modifications to existing planned developments are considered amendments: 1) a change to the permitted uses in a planned development, except in situations where a use of a higher classification is proposed to be changed to a use of a lower classification; 2) a modification to conditions that phases the uses, and 3) a conversion of public streets. See Section 9.6.11E(1) of the UDC for further details.

4.10.3 Planned Development General Provisions

The governing bodies may grant a special use permit for a planned development which modifies the applicable district regulations and other regulations of this development code upon written findings and recommendations to the Land Use Control Board and the Planning Director which shall be forwarded pursuant to provisions contained in section 4.10.3:

Please address each sub-section below (Provide additional information on a separate sheet of paper if needed).

 The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.

This development will enhance the surrounding property.

 An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development.

Water and sewer exist on site and will be upgraded along with the drainage.

 The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses... (see UDC sub-section 4.10.3C)

This plan will be compatible with surrounding residential and religious uses.

 Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest.

This plan is not inconsistent with the public interest.

 Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements.

A homeowners association will be formed for maintenance of the common elements.

Lots of records are created with the recording of a planned development final plan.

Lots will be created with the recording of a Final Plan.

REQUIREMENTS PRIOR TO APPLICATION SUBMISSION

PRE-APPLICATION CONFERENCE - Not more than six (6) months nor less than five (5) working days prior to filing an application, the applicant shall arrange for a mandatory pre-application conference with OPD.

Pre-Application Conference held on: 10/6/2020 with Burk Renner

NEIGHBORHOOD MEETING - At least ten (10) days, but not more than 120 days, prior to a hearing before the Land Use Control Board, the applicant shall provide an opportunity to discuss the proposal with representatives from neighborhoods adjacent to the development site (Section 9.3.2).

Neighborhood Meeting Requirement Met: Yes or Not Yel (Circle one)
(If yes, documentation must be included with application materials)

SIGN POSTING - A sign or signs shall be crected on-site no more than 30 days or less than 10 days prior to the date of the Land Use Control Board hearing. See Sub-Section 9.3.4C of the UDC for further details on sign posting.

I (we) hereby make application for the Planned Development described above and on the accompanying materials. I (we) accept responsibility for any errors or omissions which may result in the postponement of the application being reviewed by the Memphis & Shelby County Land Use Control Board at the next available hearing date. I (We), owner(s) of the above described property hereby authorize the filing of this application and the above named persons to act on my behalf.

Property Owner of Record Date Applicant Date

GUIDE FOR SUBMITTING PLANNED DEVELOPMENT APPLICATION (OUTLINE PLAN APPROVAL/OUTLINE PLAN AMENDMENT)

- A THE APPLICATION Two (2) collated sets of this application in accordance with the requirements of the Unified Development Code and as outlined below shall be submitted to OPD. The following information is required to be submitted for consideration as a complete application, and except for copies of the Outline and/or Site/Concept Plan, shall be provided on sheets of 8.5"x11" in size. The application with original signatures shall be completed either with legible print or typewritten. Each application set shall be compiled in the following order:
 - This application, 8.5"x11" Outline and/or Site/Concept Plan, Legal Description, Vicinity Map, 2-3 sets of gummed-backed Mailing Labels, 2 sets of paper copied Mailing Labels, Letter of Intent, 20"x24" Outline and/or Site/Concept Plan (folded), copy of Deed(s).
 - A compact disc with all submittal documents in "PDF" and any proposed conditions in "WORD".
- B. LETTER OF INTENT The letter shall include the following:
 - a) A brief narrative statement generally describing the nature, location and extent of the development and the market it is intended to serve.
 - b) A list of any professional consultants associated with the proposed development.
 - c) A written statement generally describing the relationship of the proposed development to the current policies and plans of the City and County. The statement shall include how the proposed

LETTER OF INTENT

ARCH 1010

Joshua N. Bellaire, AIA | p: 901.497.6563 | e: jbellaire@arch1010.com

January 7, 2021

Letter of Intent

Re: Proposal for Sunny Pines Residential Development and Subdivision of 751 St. Paul Ave.

To whom it may concern,

Thank you for the time in your review of our proposal. Our intention is to subdivide the (7) duplex properties as shown along St. Paul Avenue, as well as the vacant portion on the south of the property, and obtain approval for the design of a new multi-family development to be located within that vacant area of the current parcel. The new development will be approximately 10,000 square feet and include (18) 1-bedroom dwelling units.

The new development will create an attractive edifice along Boyd street, provide new options for the low-income housing market in the area, and infill a currently underutilized portion of the property. The project will be required to develop the alley located to east of the property for resident and service access. Site amenities shall include ample common spaces and bike parking.

The project team consists of Joshua N. Bellaire of ARCH 1010 (Architect), Tim McCaskill (Planner & Civil Engineer), Chad Stewart & Associates (Structural Engineer), Haltom & Associates (Mechanical, Plumbing, & Fire Protection Engineer), Canup & Associates (Electrical Engineer), & ETI (Landscape Architect).

The preliminary Planning and Design efforts included working closely with the Office of Planning & Development and adherence to the Shelby County Unified Development Code. We believe this final iteration of the Design Concept not only aligns with the UDC's requirements, but will also harmonize with the Memphis 3.0 Strategic Plan for the surrounding area. The design not only creates an urban façade along Boyd Street, but will also allow for a more sustainable orientation of the dwellings with the majority having a north/south orientation which will capitalize on the better daylighting and other passive design strategies in the architecture. The development allows for ample space and a landscape buffer between the new building and existing duplexes so as to not create an overpowering or crowding effect. Thus, any impact of the proposed development on adjacent properties has been minimized to the extents possible.

The above outlines the Owner's planning efforts thus far, and upon approval shall proceed with Architectural & Engineering Design Phases and eventual construction. The owner has a passion for providing quality housing options for the low-income market, and plans to develop more properties in the area that are in a similar and undeveloped disposition. We hope you will look upon our proposal with unanimous favor, and look forward to seeing this project become reality.

Sincerely,

Joshua N. Bellaire, AIA, NCARB, LEED AP

Sunny Pines ARCH 1010

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County State of Tennessee	
No. PD 21-03 _, providing notice of a Public Hearing before thex_L Council,Shelby County Board of Commissioners	a Public Notice Sign(s) pertaining to Case _at15 SAINT PAUL(address) and Use Control Board, _X _Memphis City for consideration of a proposed Land Use secial Use Permit,Use Variance, sign(s) being attached hereon and a copy of
Owner, Applicant or Representative	Date
Subscribed and sworn to before me this	
	OF SHELLING

STAFF CORRESPONDENCE WITH PROJECT ARCHITECT JOSHUA BELLAIRE

Sent: Wednesday, March 3, 2021 3:34 PM
To: Davis, Brett <Brett.Davis@memphistn.gov>

Cc: josh.whitehead@memphistn.gove; ryan fleming <751saintpaulave@gmail.com>

Subject: 751 St Paul

Brett, we're extremely concerned and upset about your news this morning informing us that the public notice about our project failed to be issued on time.

You mentioned in your email that it was because OPD was closed last week, yet I've been informed that it was in fact open Friday, and several other projects were issued.

Is the entire meeting cancelled? Or just our project is on hold because you failed to send out the notice? I know for a fact that other associates of mine were successful in keeping their projects on the agenda, so we need an answer as to why ours wasn't.

As you all know, this is the second month in a row that our project has been held because of your negligence. Last month it was because you waited until the last minute to tell us that elevations were being required for the review, and then failed to give us a deadline of when they needed to be submitted in order to remain on the docket...even though I beat the submittal date that Jeff or Seth or whomever I spoke with about it said that'd be fine.

This is totally unacceptable, and you are causing massive delays and costing us all time and money by your negligence.

I'm copying Josh on this and my client so we can all be made aware of how you plan to rectify the situation, and what our recourse options may be. My client's attorney, myself, and our consultants have a mountain of work to do once the approval is in place which obviously can't commence until our approval is in place. We wonder why the subdivision of the property/PD portion at least can't be heard/reviewed & approved, regardless of our design for the future development.

I eagerly await your response... and hope it includes that you're putting our project back on track to make this right.

From: Joshua Bellaire [mailto:jbellaire@arch1010.com]

Sent: Wednesday, March 3, 2021 3:35 PM

To: Whitehead, Josh < Josh.Whitehead@memphistn.gov>

Subject: FW: 751 St Paul

CAUTION: This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please let me know you receive this. Thanks Josh

Joshua N. Bellaire, AIA, NCARB, LEED AP Owner | Architect ARCH 1010 901.497.6563

8 April 2021 Page 58

From: Whitehead, Josh < Josh. Whitehead@memphistra.gov >

Sent: Wednesday, March 3, 2021 3:36 PM

To: Joshua Bellaire < <u>ibellaire@arch1010.com</u>>

Cc: Davis, Brett < <u>Brett.Davis@memphistn.gov</u>>

Subject: RE: 751 St Paul

I have and I take exception to your tone.



Josh Whitehead

Zoning Administrator Division of Planning and Development 125 N. Main, Ste. 468 Memphis, TN 38103 Phone: 901-636-6619



Visit our website

From: Joshua Bellaire [mailto:jbellaire@arch1010.com]

Sent: Wednesday, March 3, 2021 3:43 PM

To: Whitehead, Josh <Josh.Whitehead@memphistn.gov>

Cc: Davis, Brett <Brett.Davis@memphistn.gov>; ryan fleming <751saintpaulave@gmail.com>

Subject: RE: 751 St Paul

CAUTION: This email originated outside of the City of Memphis organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

What does that mean?

How else am I supposed to express our frustration and aggravation over this issue we're having?

I take exception to your exception, Josh. I wrote you a very professional grievance, with no tone, nor undertones, nor profanity.....or any other underlying abusive or ugly language.

Therefore, what are you referring to exactly?

When I spoke with Brett about the last fiasco he told me that he sensed I was being confrontational, or combative, or the like, when I was simply and calmly discussing the ramifications of all this on our business and livelihoods.

What tone? I respectfully ask you, how would you expect someone in our position to respond otherwise?

Joshua N. Bellaire, AIA, NCARB, LEED AP Owner | Architect ARCH 1010 901.497.6563

8 April 2021 Page 59

From: Whitehead, Josh < Josh. Whitehead@memphistn.gov>

Sent: Wednesday, March 3, 2021 4:00 PM
To: Joshua Bellaire < bellaire@arch1010.com>

Cc: Davis, Brett Brett <a href="mailto:Bret

Subject: RE: 751 St Paul

I think the use of the term "negligence" is way out of line; we are doing everything in our control to run a department in the midst of a global pandemic, and specific to last week, an unprecedented weather event and closure of City Hall.

I also take issue with your use of the term "fiasco," which I believe references your late submittal of building elevations, which is not an uncommon request for applications such as yours.

Brett: Please include this correspondence in the materials forwarded to the Board.

Thank you,



Josh Whitehead

Zoning Administrator Division of Planning and Development 125 N. Main, Ste. 468 Memphis, TN 38103 Phone: 901-636-6619



Visit our website

From: Joshua Bellaire [mailto:jbellaire@arch1010.com]

Sent: Wednesday, March 3, 2021 4:06 PM

To: Whitehead, Josh < Josh. Whitehead@memphistn.gov >

Cc: Davis, Brett <Brett.Davis@memphistn.gov>; ryan fleming <751saintpaulave@gmail.com>

Subject: RE: 751 St Paul

CAUTION: This email originated outside of the City of Memphis organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Why were other projects issued in the public notice on Friday and not ours?

Joshua N. Bellaire, AIA, NCARB, LEED AP Owner | Architect ARCH 1010 901.497.6563 From: Whitehead, Josh < Josh. Whitehead@memphistn.gov>

Sent: Wednesday, March 3, 2021 4:13:31 PM
To: Joshua Bellaire < jbellaire@arch1010.com>

Cc: Davis, Brett <Brett.Davis@memphistn.gov>; ryan fleming <751saintpaulave@gmail.com>

Subject: RE: 751 St Paul

I believe there are several other cases that will be held over to April.

We are handling internally.

Thank you.



Josh Whitehead

Zoning Administrator Division of Planning and Development 125 N. Main, Ste. 468 Memphis, TN 38103 Phone: 901-636-6619



Visit our website

From: Joshua Bellaire [mailto:jbellaire@arch1010.com]

Sent: Wednesday, March 3, 2021 4:17 PM

To: Whitehead, Josh < Josh. Whitehead@memphistn.gov>

Cc: Davis, Brett <Brett.Davis@memphistn.gov>; ryan fleming <751saintpaulave@gmail.com>

Subject: Re: 751 St Paul

CAUTION: This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Yes but why? And why can't the PD proceed? Thx

Joshua Bellaire, AIA, NCARB, LEED AP Owner | Architect ARCH 1010 901.497.6563



Wed 3/3/2021 4:29 PM

Davis, Brett

Re: 751 St Paul

To Joshua Bellaire; Whitehead, Josh

Cc ryan fleming



If there are problems with how this message is displayed, click here to view it in a web browser.

Josh: Thank you, will do.

Joshua: Please refer to UDC Sub-Section 9.6.7A, which states that "not less than 35 or more than 75 days after an application [for a Planned Development] has been determined complete, the Land Use Control Board shall hold a public hearing..."

This application was determined complete circa February 2, 2021, upon receipt of elevations. In this case, either the March or April meeting is an appropriately sanctioned preliminary hearing date.

My understanding is that you are currently making substantial revisions to the site plan and elevations, in which case additional review time will anyway be valuable.

Brett

From: Whitehead, Josh

Sent: Wednesday, March 3, 2021 4:54 PM
To: 'Joshua Bellaire' <jbellaire@arch1010.com>

Cc: Davis, Brett <Brett.Davis@memphistn.gov>; ryan fleming <751saintpaulave@gmail.com>

Subject; RE: 751 St Paul

City Hall, including its mail room, was closed nearly all last week due to a burst water main.

Mailed notice is required to be sent no later than 10 days prior to the Land Use Control Board meeting (see UDC Sec 9.3.2D(1); cases where this was not achieved will be held over until the April meeting.

The most we could do is place this matter on the agenda, with a staff recommendation of a one-month hold due to lack of notice, to at least get the proposal in front of the Board, but it will be held for a period of one-month on the consent calendar and not discussed.

But at least the Board could become somewhat acclimated with the request.



Josh Whitehead

Zoning Administrator Division of Planning and Development 125 N. Main, Ste. 468 Memphis, TN 38103 Phone: 901-636-6619



Visit our website

8 April 2021 Page 62

LETTERS RECEIVED

One letter of opposition was received at the time of completion of this report.

Dear Mr. Whitehead,

I am a St. Paul Avenue property owner. I wish to express my concerns about the proposed multi-family development Sunny Pines PD Case # PD 21-03. The proposed building concept appears to be similar to a two-story motel, towering over the existing one-story duplexes, encroaching on the privacy of the duplex tenants as well as other residents of the neighborhood. The development will replace the existing backyards of the duplexes on St. Paul taking away existing green space leaving only a concrete footprint. The proposed vehicle entry/exit to the complex is a very narrow alley with no indication of how it will support 2-way traffic. There will be an increase in traffic on an already narrow street (St. Paul). A steady stream of traffic on St. Paul between Walnut Street and Orleans Avenue travels at speeds beyond a neighborhood speed limit (in excess of 25 mph) with little or no regard for safety. I am concerned that this proposed development will not enhance the neighborhood but create an overcrowded area with traffic problems in an already forgotten part of the City. Please share my email with the Land Use Control Board members during the scheduled Thursday, February 11, 2021, meeting.

Thank you for your attention to my concerns.

Jacqueline R. Partee jpartee@earthlink.net 1302 Worthington St. Memphis, TN 38114

CITY OF MEMPHIS COUNCIL AGENDA CHECK OFF SHEET

ONE ORIGINAL ONLY STAPLED TO DOCUMENTS		Z Zoning COMMITTEE: PUBLIC SESSION:	20 July 2021 DATE 20 July 2021	Planning & Development DIVISION		
ITEM (CHECK ONE) ORDINANCE X RESOLUTION OTHER: ITEM DESCRIPTION:	CONDEMNA GRANT APP	LICATION X REQUI	DATE T ACCEPTANCE EST FOR PUBLIC	HEARING		
ITEM DESCRIPTION:	A resolution appro	oving a special use permit for	a planned residen	tial development		
CASE NUMBER:	PD 21-5					
DEVELOPMENT:	Coro Vista Planned Development					
LOCATION:	1560 Drew Road and an adjacent parcel					
COUNCIL DISTRICTS:	District 6 and Super District 8					
OWNERS:	Coro Vista, LLC, and Shelby County Schools					
APPLICANT:	Coro Vista, LLC					
REPRESENTATIVE:	Brenda Solomito of Solomito Land Planning					
EXISTING ZONING:	Residential – 6 and	d Residential – 10				
REQUEST:	Special use permit for a planned residential development					
AREA:	20 acres					
RECOMMENDATION:		lanning and Development rec ntrol Board recommended:	commended:	Approval with outline plan conditions Approval with outline plan conditions		
RECOMMENDED COUNC	CIL ACTION: Pu Set	Iblic Hearing Required t public hearing date for – <u>20</u>	July 2021			
PRIOR ACTION ON ITEM: (1) 10 June 2021 (1) Land Use Control Board FUNDING: (2) \$ \$ SOURCE AND AMOUNT OF FUNDS \$ \$ \$ ADMINISTRATIVE APPROVAL:		REQUIRES CITY EXPLAMOUNT OF EXPENDENT REVENUE TO BE RECOMPERATING BUDGET CIP PROJECT #	BOARD / COMM) COUNCIL COM ENDITURE - (1) Y DITURE CEIVED HER POSITION MUNICIPAL P ZONING ADM DEPUTY ADM DIRECTOR (JC COMPTROLLE FINANCE DIRECTOR CITY ATTORM	IISSION MITTEE YES (2) NO LANNER INISTRATOR IINISTRATOR DINT APPROVAL) ER ECTOR		
				NISTRATIVE OFFICER		



Memphis City Council Summary Sheet

PD 21-5 - Coro Vista Planned Development

Resolution requesting a special use permit for a planned residential development at 1560 Drew Road and an adjacent parcel:

- This item is a resolution, including conditions, for a special use permit to allow the above;
- The Division of Planning & Development sponsors this resolution at the request of the Owners: Coro Vista, LLC, and Shelby County Schools; Applicant: Coro Vista, LLC; and Representative: Brenda Solomito of Solomito Land Planning;
- This resolution, if approved, will supersede the existing zoning for this property; and
- The item may require future public improvement contracts.

RESOLUTION APPROVING THE CORO VISTA PLANNED DEVELOPMENT AT 1560 DREW ROAD AND AN ADJACENT PARCEL, KNOWN AS CASE NUMBER PD 21-5.

WHEREAS, Chapter 9.6 of the Memphis and Shelby County Unified Development Code, being a section of the Joint Ordinance Resolution No. 5367, dated August 10, 2010, authorizes the Council of the City of Memphis to grant a special use permit for a planned development for certain stated purposes in the various zoning districts; and

WHEREAS, Coro Vista, LLC, filed an application with the Memphis and Shelby County Division of Planning and Development for a special use permit for a planned residential development; and

WHEREAS, the Division of Planning and Development has received and reviewed the application in accordance with procedures, objectives, and standards for planned developments as set forth in Chapter 9.6 with regard to the proposed development's impacts upon surrounding properties, availability of public facilities, both external and internal circulation, land use compatibility, and consistency of its design and amenities with the public interest; and has submitted its findings and recommendation, including recommended outline plan conditions, concerning the above considerations to the Memphis and Shelby County Land Use Control Board; and

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on June 10, 2021, and said Board has submitted its recommendation, including recommended outline plan conditions, concerning the above considerations to the Council of the City of Memphis; and

WHEREAS, the Council of the City of Memphis has reviewed the aforementioned application pursuant to Tennessee Code Annotated Section 13-4-202(B)(2)(B)(iii) and has determined that said development is consistent with the Memphis 3.0 General Plan; and

WHEREAS, the Council of the City of Memphis has reviewed the recommendation of the Land Use Control Board and the report and recommendation of the Division of Planning and Development and has determined that said development meets the objectives, standards, and criteria for a special use permit, and said development is consistent with the public interests.

NOW, THEREFORE, BE IT RESOLVED, BY THE COUNCIL OF THE CITY OF MEMPHIS, that, pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code, a special use permit for a planned residential development is hereby granted in accordance with the attached outline plan conditions.

BE IT FURTHER RESOLVED, that the requirements of said aforementioned clause of the Unified Development Code shall be deemed to have been complied with; that the outline plan shall bind the applicant, owner, mortgagee, if any, and the City Council with respect to the contents of said plan; and the applicant and/or owner may file a final plan in accordance with said outline plan and the provisions of Section 9.6.11 of the Unified Development Code.

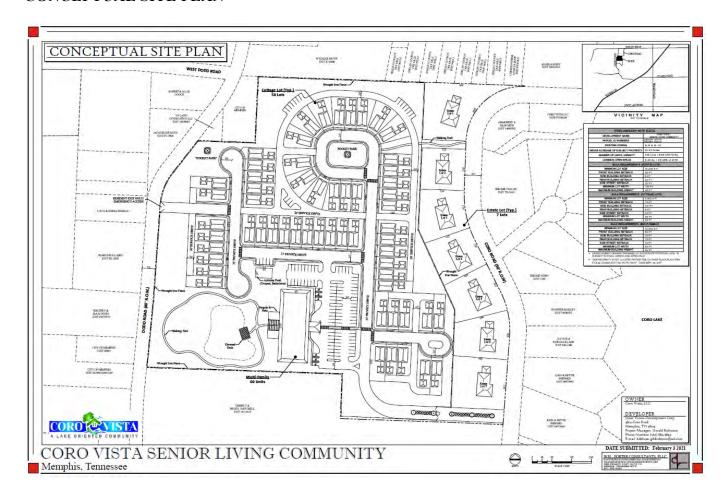
OUTLINE PLAN CONDITIONS

- I. Uses Permitted
 - A. Areas 1 and 2: As if zoned Residential Single-Family 10.
 - B. Area 3: As if zoned Residential Single-Family 6.
 - C. Area 4: As if zoned Residential Urban -3.
 - D. Areas 5 8: As if zoned Open Space.
- II. Building Envelope Standards
 - A. Areas 1 and 2: As if zoned Residential Single-Family 10.
 - B. Area 3:
 - 1.Minimum front setback: 15 feet
 - 2. Minimum interior side setback: 3.5 feet
 - 3.Minimum street side setback: 10 feet
 - 4.Minimum rear setback: 15 feet
 - a. Garages either detached or attached may encroach into the rear setback provided they are sited exactly 5 feet from the rear property line.
 - 5.Minimum lot width: 35 feet
 - 6.Maximum building height: 40 feet
 - 7.Minimum lot area: 3,500 square feet
 - 8.All lots must take vehicle access from a rear alley, except corner lots which may be permitted side street vehicle access.
 - C. Area 4: As if zoned Civic.
 - D. Areas 5 8: As if zoned Open Space.

III. Final Plan

- A. Unless modified by the outline plan conditions, all standards of the Unified Development Code shall apply.
- B. Existing vegetation shall be incorporated into the landscape plan. New plantings shall emphasize native species.
- C. Any final plan shall include a plan set that demonstrates compliance with the outline plan conditions, as well as substantial conformance with the proposed conceptual design.
- D. A property owner's association shall be created concurrently with the recording of a final plan.

CONCEPTUAL SITE PLAN



ATTEST:

CC: Division of Planning and Development

- Land Use and Development Services
- Construction Enforcement

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on *Thursday, June 10, 2021*, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: PD 21-5

DEVELOPMENT: Coro Vista Planned Development

LOCATION: 1560 Drew Road and an adjacent parcel

COUNCIL DISTRICT(S): District 6 and Super District 8

OWNERS: Coro Vista, LLC, and Shelby County Schools

APPLICANT: Coro Vista, LLC

REPRESENTATIVE: Brenda Solomito of Solomito Land Planning

REQUEST: Special use permit for a planned residential development

EXISTING ZONING: Residential – 6 and Residential – 10

AREA: 20 acres

The following spoke in support of the application: Brenda Solomito and Gerald Robinson

The following spoke in opposition to the application: Sheryl Compton, Terry Bentley, Michael Compton, and Billy McElwain

The Land Use Control Board reviewed the application and the staff report. A motion was made and seconded to recommend approval with outline plan conditions. These conditions are attached.

The motion passed by a unanimous vote of 8-0.

Recommended Outline Plan Conditions

- I. Uses Permitted
 - A. Areas 1 and 2: As if zoned Residential Single-Family 10.
 - B. Area 3: As if zoned Residential Single-Family 6.
 - C. Area 4: As if zoned Residential Urban 3.
 - D. Areas 5 8: As if zoned Open Space.
- II. Building Envelope Standards
 - A. Areas 1 and 2: As if zoned Residential Single-Family 10.
 - B. Area 3:
 - 1. Minimum front setback: 15 feet
 - 2. Minimum interior side setback: 3.5 feet
 - 3. Minimum street side setback: 10 feet
 - 4. Minimum rear setback: 15 feet
 - Garages either detached or attached may encroach into the rear setback provided they are sited exactly 5 feet from the rear property line.
 - 5. Minimum lot width: 35 feet
 - 6. Maximum building height: 40 feet
 - 7. Minimum lot area: 3,500 square feet
 - 8. All lots must take vehicle access from a rear alley, except corner lots which may be permitted side street vehicle access.
 - C. Area 4: As if zoned Civic.
 - D. Areas 5 8: As if zoned Open Space.

III. Final Plan

- A. Unless modified by the outline plan conditions, all standards of the Unified Development Code shall apply.
- B. Existing vegetation shall be incorporated into the landscape plan. New plantings shall emphasize native species.
- C. Any final plan shall include a plan set that demonstrates compliance with the outline plan conditions, as well as substantial conformance with the proposed conceptual design.
- D. A property owner's association shall be created concurrently with the recording of a final plan.

dpd STAFF REPORT

AGENDA ITEM: 1

CASE NUMBER: PD 21-5 L.U.C.B. MEETING: 10 June 2021

DEVELOPMENT: Coro Vista Planned Development

LOCATION: 1560 Drew Road and an adjacent parcel

COUNCIL DISTRICT: District 6 and Super District 8

OWNERS: Coro Vista, LLC, and Shelby County Schools

APPLICANT: Coro Vista, LLC

REPRESENTATIVE: Brenda Solomito of Solomito Land Planning

REQUEST: Special use permit for a planned residential development

AREA: 20 acres

EXISTING ZONING: Residential – 6 and Residential – 10

CONCLUSIONS (p. 16)

- 1. Coro Vista, LLC, has applied for a special use permit for a planned residential development. The proposed development is an age-restricted community that includes an apartment building as well as houses with reduced minimum lot size and width.
- 2. The underlying zoning is residential single-family. Part of the site is owned by Shelby County Schools and once contained a school.
- 3. Staff finds that the proposal meets at least one of the planned development objectives, the planned development general provisions, the planned residential development standards, and the special use permit approval criteria. Additionally, the development appears consistent with the Memphis 3.0 Comprehensive Plan's vision for this land to be used as an institution.
- 4. A final plan review will be conducted, if approved, to ensure the development meets the outline plan conditions.

CONSISTENCY WITH MEMPHIS 3.0 (pp. 14-16)

Staff finds that this proposal is *consistent* with the Memphis 3.0 Comprehensive Plan.

RECOMMENDATION (pp. 17-19)

Approval with outline plan conditions

Staff Writer: Brett Davis E-mail: brett.davis@memphistn.gov

Staff Report 10 June 2021 PD 21-5 Page 2

GENERAL INFORMATION

Street Frontage: Coro Road (local street) 1125 curvilinear feet

Dodd Road (local street) 722 curvilinear feet

Zoning Atlas Page: 2420

Parcel ID: 082061 00012 and 082061 00014

Existing Zoning: Residential – 6 and Residential – 10

NEIGHBORHOOD MEETING

The required neighborhood meeting was held on 17 February 2021 at 6 p.m. by Zoom.

PUBLIC NOTICE

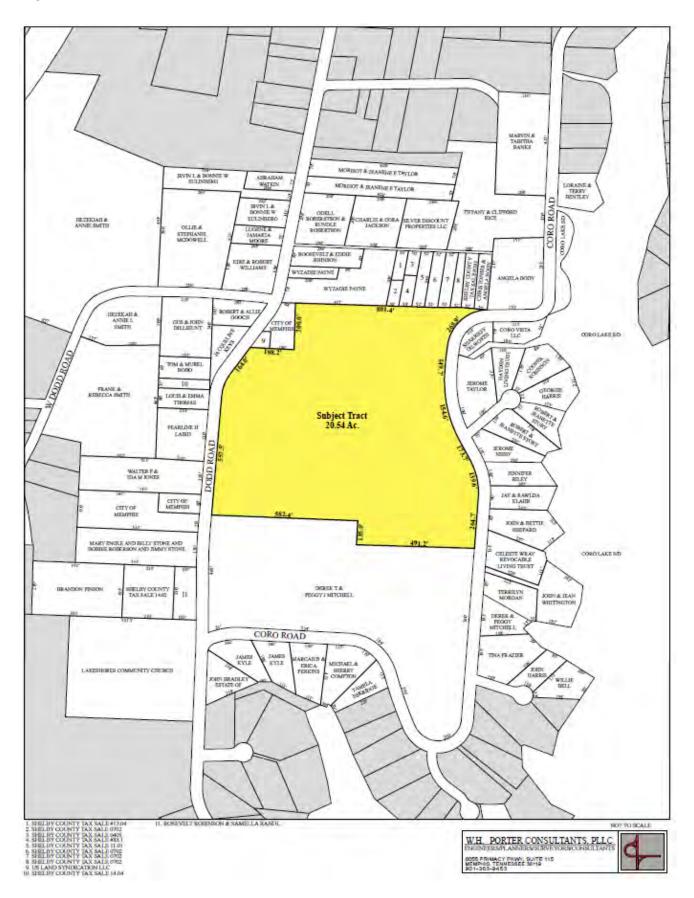
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 62 notices were mailed on 3 May 2021, and a total of two signs posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



Subject property located in Southwest Memphis

VICINITY MAP



AERIAL PHOTO WITH ZONING



The subject property is outlined in blue.

Existing Zoning: Residential – 6 and Residential – 10

Surrounding Zoning

North: Residential – 6 and Residential – 10

East: Residential – 10

South: Residential – 6 and Residential – 10

West: Residential – 6

LAND USE MAP



The subject property is outlined (not shaded) in blue.

SITE PHOTOS



An on-site clearing where a school once stood

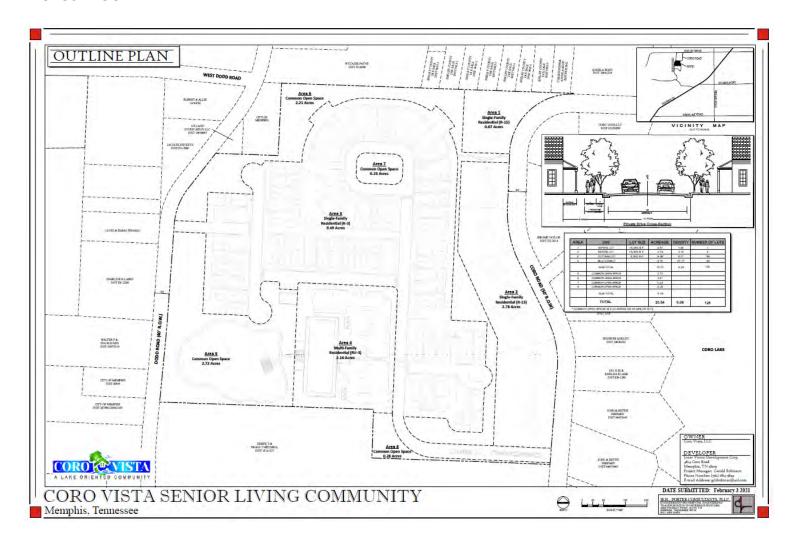


A view north down Coro Site on left Overhead utilities on other side of street

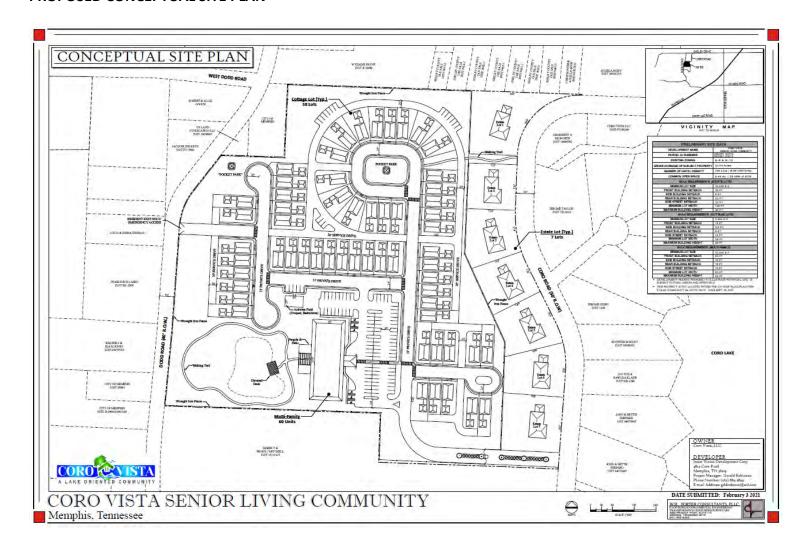


A view north down Dodd Site on right Overhead utilities on this side of street

PROPOSED OUTLINE PLAN



PROPOSED CONCEPTUAL SITE PLAN



PROPOSED CONCEPTUAL RENDERINGS



STAFF ANALYSIS

Request

The request is for a special use permit for a planned residential development of an age-restricted apartment building and single-family homes.

The application form and letter of intent have been pasted to this report.

Applicability

Staff *agrees* at least one of the applicability objectives as set out in Section 4.10.2 of the Unified Development Code is or will be met.

4.10.2 Applicability

The governing bodies may, upon proper application, grant a special use permit for a planned development (see Chapter 9.6) for a tract of any size within the City or for tracts of at least three acres in unincorporated Shelby County to facilitate the use of flexible techniques of land development and site design, by providing relief from district requirements designed for conventional developments, and may establish standards and procedures for planned developments in order to obtain one or more of the following objectives:

- A. Environmental design in the development of land that is of a higher quality than is possible under the regulations otherwise applicable to the property.
- B. Diversification in the uses permitted and variation in the relationship of uses, structures, open space and height of structures in developments intended as cohesive, unified projects.
- C. Functional and beneficial uses of open space areas.
- D. Preservation of natural features of a development site.
- E. Creation of a safe and desirable living environment for residential areas characterized by a unified building and site development program.
- F. Rational and economic development in relation to public services.
- G. Efficient and effective traffic circulation, both within and adjacent to the development site, that supports or enhances the approved transportation network.
- H. Creation of a variety of housing compatible with surrounding neighborhoods to provide a greater choice of types of environment and living units.
- I. Revitalization of established commercial centers of integrated design to order to encourage the rehabilitation of such centers in order to meet current market preferences.
- J. Provision in attractive and appropriate locations for business and manufacturing uses in well-designed buildings and provision of opportunities for employment closer to residence with a reduction in travel time from home to work.
- K. Consistency with the Memphis 3.0 General Plan.

General Provisions

Staff *agrees* the general provisions as set out in Section 4.10.3 of the Unified Development Code are or will be met.

4.10.3 General Provisions

The governing bodies may grant a special use permit for a planned development which modifies the applicable district regulations and other regulations of this development code upon written findings and recommendations of the Land Use Control Board and the Zoning Administrator which shall be forwarded pursuant to provisions

contained in this Chapter.

A. The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.

- B. An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development.
- C. The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for structures, parking and loading areas or access way shall be landscaped or otherwise improved except where natural features are such as to justify preservation.
- D. Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest.
- E. Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements.
- F. Lots of record are created with the recording of a planned development final plan.

Residential Criteria

Staff *agrees* the additional planned residential development criteria as set out in Section 4.10.4 of the Unified Development Code are or will be met.

4.10.4 Planned Residential Developments

In addition to the standards and criteria set forth in Section 4.10.3, planned residential developments shall comply with the standards and criteria set forth below:

A. Formal Open Space

A minimum of 0.6% of the total land area of a planned residential development of 15 acres or more shall be subject to the formal open space requirements of Section 6.2.3. No open area may be delineated or accepted as formal open space under the provisions of this Chapter unless it meets the standards of Chapter 6.2, Open Space.

B. Accessibility of Site

All proposed streets, alleys and driveways shall be adequate to serve the residents, occupants, visitors or other anticipated traffic of the planned residential development. The location of the entrance points of the streets, alleys and driveways upon existing public roadways shall be subject to the approval of the City or County Division of Public Works.

C. Off-Street Parking

Off-street parking shall be conveniently accessible to all dwelling units and other uses. Where appropriate, common driveways, parking areas, walks and steps may be provided, maintained and lighted for night use. Screening of parking and service areas shall be required through use of trees, shrubs and/or hedges and screening walls.

D. Pedestrian Circulation

The pedestrian circulation system and its related walkways shall be separated, whenever feasible, from the vehicular street system in order to provide an appropriate degree of separation of pedestrian and vehicular movement.

E. Privacy

The planned residential development shall provide reasonable visual and acoustical privacy for

dwelling units within and adjacent to the planned residential development. Protection and enhancement of property and the privacy of its occupants may be provided by the screening of objectionable views or uses and reduction of noise through the use of fences, insulation, natural foliage, berms and landscaped barriers. High-rise buildings shall be located within the development in such a way as to minimize any adverse impact on adjoining low rise buildings.

F. Distance Requirements

Where minimum distance requirements are provided between single family residential zoning districts and certain stipulated uses in this Code, the single-family residential areas of planned developments shall be considered zoned residential.

Approval Criteria

Staff *agrees* the approval criteria as set out in Section 9.6.9 of the Unified Development Code are being met.

9.6.9 Approval Criteria

No special use permit or planned development shall be approved unless the following findings are made concerning the application:

- I. The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.
- II. The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations.
- III. The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or that the applicant will provide adequately for such services.
- IV. The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance.
- V. The project complies with all additional standards imposed on it by any particular provisions authorizing such use.
- VI. The request will not adversely affect any plans to be considered (see Chapter 1.9), or violate the character of existing standards for development of the adjacent properties.
- VII. The governing bodies may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to insure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this development code.
- VIII. Any decision to deny a special use permit request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record, per the Telecommunications Act of 1996, 47 USC 332(c)(7)(B)(iii). The review body may not take into account any environmental or health concerns.

Site Description

The 20-acre subject property consists of two parcels. The site has two noncontiguous frontages: 1125 curvilinear feet on Coro Road and 722 curvilinear feet on Dodd Road. Both are local streets. Neither has a curb, sidewalk, or gutter. Coro's overhead utilities are on the opposite side of the street as the side, whereas Dodd's are on the same side of the street. The site includes both woods and a clearing where a school once stood.

Plan Review

A full plan review will take place during final plan review, if approved.

Note that the outline plan conditions apply all standards of the Unified Development Code not otherwise addressed by the conditions. This will likely require several changes to the site plan, such as the improvement/streetscaping of public right-of-way and the provision of multiple vehicular entry points.

Consistency with Memphis 3.0

Staff finds that the requested special use permit is *consistent* with the Memphis 3.0 Comprehensive Plan, as described in the following analysis.

1. The future land use map



The subject site is outlined in blue. The tan shade designates "primarily single-unit neighborhood" and the green shade designates "public and quasi-public buildings and uses."

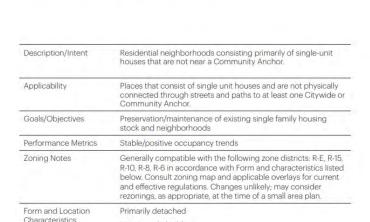
2. Descriptions and graphic portrayals of the future land use designations



Primarily Single-Unit Neighborhood

NS

Primarily Single-Unit Neighborhoods are located greater than a halfmile outside of any anchor destination. These neighborhoods contain mostly detached, house scale residences, serving mostly single-family style living. This is considered the typical suburban community that is not as walkable or accessible from an anchor.



House-scale buildings Primarily residential 1-3 stories





Public & Quasi-Public Buildings & Uses

PQP

Public and Quasi-Public Building areas are public buildings used for recreation or as an institution, such as schools, churches, community center, libraries, and civic buildings. These places are easily accessible by foot or automobile and have formal access points that address the street.

Beyond 1/2 mile from a Community Anchor

Description/Intent	Civic buildings, schools, religious institutions and community facilities.
Applicability	Civic buildings, schools, churches, community facilities.
Goals/Objectives	Institutional uses contributing to anchors, anchor neighborhoods, residential communities, contributions to civic space framework
Zoning Notes	Generally compatible with the following zone districts: CIV in accordance with Form and characteristics listed above. Consul zoning map and applicable overlays for current and effective regulations. Changles unlikely; may consider rezonings, as appropriate, at the time of a small area plan.
Form and Location Characteristics	Recreational and Institutional uses



- 3. Existing, adjacent land uses and zoning are compatible with the proposed development.
- 4. The degree of change designations do not apply as this site is not within an anchor neighborhood.

Conclusions

Coro Vista, LLC, has applied for a special use permit for a planned residential development. The proposed development is an age-restricted community that includes an apartment building as well as houses with reduced minimum lot size and width.

The underlying zoning is residential single-family. Part of the site is owned by Shelby County Schools and once contained a school.

Staff finds that the proposal meets at least one of the planned development objectives, the planned development general provisions, the planned residential development standards, and the special use permit approval criteria. Additionally, the development appears consistent with the Memphis 3.0 Comprehensive Plan's vision for this land to be used as an institution.

A final plan review will be conducted, if approved, to ensure the development meets the outline plan conditions.

RECOMMENDATION

Staff recommends *approval* with outline plan conditions.

The applicant's requested conditions are pasted below. Staff's recommended additions are underlined and emboldened, and staff's recommended deletions are struck-through and emboldened.

I. Uses Permitted

- A. Areas 1 and 2: As if zoned Residential Single-Family 10 Any use permitted by right or administrative site plan review in the Residential Single-Family (R-15) District.
- B. Area 2:Any use permitted by right or administrative site plan review in the Residential Single-Family (R-15) District.
- C. Area 3: As if zoned Residential Single-Family 6 Any use permitted by right or administrative site plan review in the Residential Single-Family (R-6) District.
- D. Area 4: As if zoned Residential Urban 3. Any use permitted by right or administrative site plan review in the Residential Urban (RU-3) District and accessory use of retail sales, valet, concierge services.
- E. Areas 5 8: As if zoned Open Space Common Open Space The planned uses are limited to landscaping, signage, architectural elements and neighborhood passive recreation.
- F. Accessory structure and uses In accordance with section 2.7 and 2.9 of the Memphis and Shelby County Unified Development Code.
- II. Building Envelope Standards Bulk Regulations
 - A. Areas 1 and 2: As if zoned Residential Single-Family 10 The Bulk regulations of the R 15 District shall apply.
 - B. Area 2:The Bulk regulations of the R-15 District shall apply.
 - C. Area 3: The Bulk regulations of the R-3 District shall apply as modified herein:
 - 1. Minimum front setback: 15 feet
 - 2. **Minimum interior** side setback: 3.5 feet
 - 3. **Minimum street** side setback: **15 10** feet
 - 4. **Minimum** rear setback: **5 15** feet
 - a. <u>Garages either detached or attached may encroach into the rear setback provided they are sited exactly 5 feet from the rear property line.</u>
 - 5. Minimum lot width: 35 feet
 - 6. Maximum building height: **35 40** feet
 - 7. Minimum lot **area** size: 3,500 square feet
 - 8. <u>All lots must take vehicle access from a rear alley, except corner lots which may</u> be permitted side street vehicle access.
 - D. Area 4: As if zoned Civic. The Bulk regulations of the RU-3 District shall apply as modified herein:
 - 1. Front building setback fifty (50') feet
 - 2. Maximum building height fifty five (55') feet
 - E. Areas 5 8: As if zoned Open Space.
- **III.** Building materials:
 - A. The building material shown on the Conceptual Architectural Renderings Exhibit is for illustrative purposes only, final design shall be approved by the Office of Planning and Development.

IV. Landscaping and screening

- A. The landscape areas shall be owned and maintained by a Homeowner's Association for ownership and maintenance purposes. Such maintenance shall include, but not limited to: removal of fallen objects, debris, trash and mowing.
- B. All landscaping shall be located so as to not interfere with any above ground or below ground utilities. And all landscaping shall consider and illustrate the vision triangle and any light poles.
- C. A wrought iron fence will bill placed as shown on the Conceptual Site Plan-

V. Access, Circulation and Streetscapes:

- A. One point of vehicular access to Coro Road shall be permitted by private drive subject to the approval of the City Engineer.
- B. Private drive access to Dodd Road shall be exit only, except for emergency vehicles which may enter or exit.
- C. The exact location and design of any curb cuts shall be subject to the review and approval of the City Engineer's Office.
- D. All private drives shall be constructed to meet the Subdivision Regulations, applicable City Standards, and provide a minimum width of thirty one (31') feet from curb to curb.
- E. This development may be gated subject to a forty (40)-foot minimum queue space depth from the Coro Road right of way.
- F. Curb & Gutter and sidewalk will not be required on Coro Road in order maintain the rural characteristic of the neighborhood

VI. Grading and Drainage:

- A. Drainage improvements, including on site detention, shall be provided under a Standard Subdivision contract in accordance with Subdivision Regulations and the City of Memphis Drainage Design Manual.
- B. All drainage plans shall be submitted to the City Engineer for review and approval
- C. The developer should be aware of his obligation under 40 CFR 122.26(b)(14) and TCA 69-3-01 et seq. to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of storm water associated with the clearing and grading activity on this site.
- VII.— Signs shall be in conformance with regulations established for the Residential Districts and shown on the final plat
- VIII. The Land Use Control Board may modify the bulk, access, parking, landscaping, and sign
 requirements if equivalent alternatives are provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder, may within ten days of such action, file a written appeal to the Director of the Office of Planning and Development, to have such action reviewed by the Memphis City Council
- IX. A Final Plat shall be filed within five (5) years of the approval of the Outline Plan by the Legislative Bodies. The Land Use Control Board may grant extensions at the request of the applicant
- X. Any Final Plan shall include the following
 - A. The Outline Plan Conditions Unless modified by the outline plan conditions, all standards of the Unified Development Code shall apply.
 - B. <u>Existing vegetation shall be incorporated into the landscape plan. New plantings shall emphasize native species.</u>
 - C. A standard subdivision contract as defined by the Unified Development Code for any needed public improvements. Any final plan shall include a plan set that demonstrates compliance

- with the outline plan conditions, as well as substantial conformance with the proposed conceptual design.
- D. The exact location and dimensions, including height of utility easements, private drives, and required landscaping and screening areas. A property owner's association shall be created concurrently with the recording of a final plan.
- E. The location and ownership, whether public or private of any easement.
- F. A statement conveying all common facilities and areas to a property owner's association or other entity for ownership and maintenance purposes
- G. The following note shall be placed on the final plat of any development requiring on-site storm water facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owner's association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City Engineer's Office. Such maintenance shall include, but not be limited to, removal of sedimentation; fallen objects; debris; trash; mowing; outlet cleaning; and repair of drainage structures.

DEPARTMENTAL COMMENTS

The following comments were provided by agencies to which this application was referred:

City Engineer:

1. Standard Subdivision Contract or Street Cut Permit as required in Section 5.5.5 of the Unified Development Code.

Sewers:

- 2. The availability of City sanitary sewer is unknown at this time. Once the developer has submitted proposed sewer discharge rates to the City's Sewer Design Dept., a determination can be made as to available sewer capacity.
- 3. All sewer connections must be designed and installed by the developer. This service is no longer offered by the Public Works Division.

Roads:

4. No access to individual lots from Dodd Road will be allowed.

Traffic Control Provisions:

- 5. The developer shall provide a traffic control plan to the city engineer that shows the phasing for each street frontage during demolition and construction of curb gutter and sidewalk. Upon completion of sidewalk and curb and gutter improvements, a minimum 5 foot wide pedestrian pathway shall be provided throughout the remainder of the project. In the event that the existing right of way width does not allow for a 5 foot clear pedestrian path, an exception may be considered.
- 6. Any closure of the right of way shall be time limited to the active demolition and construction of sidewalks and curb and gutter. Continuous unwarranted closure of the right of way shall not be allowed for the duration of the project. The developer shall provide on the traffic control plan, the time needed per phase to complete that portion of the work. Time limits will begin on the day of closure and will be monitored by the Engineering construction inspectors on the job.
- 7. The developer's engineer shall submit a Trip Generation Report that documents the proposed land use, scope and anticipated traffic demand associated with the proposed development. A detailed Traffic Impact Study will be required when the accepted Trip Generation Report indicates that the number for projected trips meets or exceeds the criteria listed in Section 210-Traffic Impact Policy for Land Development of the City of Memphis Division of Engineering Design and Policy Review Manual. Any required Traffic Impact Study will need to be formally approved by the City of Memphis, Traffic Engineering Department.

Curb Cuts/Access:

- 8. The City Engineer shall approve the design, number and location of curb cuts.
- 9. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.

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10. The proposed private drive connection to Coro Road shall shift north to allow the entirety of the connection to be located within the property lines.

Drainage:

- 11. A grading and drainage plan for the site shall be submitted to the City Engineer for review and approval prior to recording of the final plat.
- 12. Drainage improvements, including possible on-site detention, shall be provided under a Standard Subdivision contract in accordance with Unified Development Code and the City of Memphis/Shelby County Storm Water Management Manual.
- 13. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.
- 14. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City and/or County Engineer's Office. Such maintenance shall include, but not be limited to removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.
- 15. The developer should be aware of his obligation under 40 CFR 122.26(b)(14) and TCA 69-3-101 et. seq. to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of storm water associated with the clearing and grading activity on this site.

City Fire Division:

- All design and construction shall comply with the 2015 edition of the International Fire Code (as locally amended) and referenced standards.
- Fire apparatus access shall comply with section 503. Where security gates are installed that affect required fire apparatus access roads, they shall comply with section 503.6 (as amended).
- Fire protection water supplies (including fire hydrants) shall comply with section 507.
- Where fire apparatus access roads or a water supply for fire protection are required to be installed, such
 protection shall be installed and made serviceable prior to and during the time of construction except
 when approved alternate methods of protection are provided.

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 A detailed plans review will be conducted by the Memphis Fire Prevention Bureau upon receipt of complete construction documents. Plans shall be submitted to the Shelby County Office of Code Enforcement.

City Real Estate:

County Health Department:

No comments received.

APPLICATION



Memphis and Shelby County Office of Planning and Development CITY HALL 125 NORTH MAIN STREET-SUITE 468 MEMPHIS, TENNESSEE 38103-2084 (901) 576-6601

APPLICATION FOR PLANNED DEVELOPMENT APPROVAL (OUTLINE PLAN APPROVAL/OUTLINE PLAN AMENDMENT)

PLEASE TYPE	OR REPORT				
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nned Development					
aLLC	Phone #: N	VA.			
lvd	City/State: Compton/CA	Zip 90221			
drobinson@aol.com		_ \22			
	Phone # N	VA.			
	City/State: Memphis/TN	Zip 38109			
on@aol.com					
	Phone #: 7	755-7495			
1-323	City/State: Memphis/TN	Zip_38138			
nda@solomitolandplanning.com					
	Phone # 363-9453				
Suite 115 Memphis, TN 38119	City/State: Memphis/TN	Zip 38119			
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et: 1400' southwest of Coro Roa	d and Shelby Drive				
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Amendment(s): Is the applicant applying for an amendment to an existing Planned Development?

Yes No X

The following modifications to existing planned developments are considered amendments: 1) a change to the permitted uses in a planned development, except in situations where a use of a higher classification is proposed to be changed to a use of a lower classification; 2) a modification to conditions that phases the uses, and 3) a conversion of public streets. See Section 9.6.11E(1) of the UDC for further details.

4.10.3 Planned Development General Provisions

The governing bodies may grant a special use permit for a planned development which modifies the applicable district regulations and other regulations of this development code upon written findings and recommendations to the Land Use Control Board and the Planning Director which shall be forwarded pursuant to provisions contained in section 4.10.3:

Please address each sub-section below (Provide additional information on a separate sheet of paper if needed).

- The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.
 - This development will enhance the surrounding property
- An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development.
 - Water and sewer exist on site and will be upgraded along with the drainage
- The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses... (see UDC sub-section 4.10.3C)
 This plan is compatible with the surrounding land uses.
- Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest.
 - This plan is not inconsistent with the public interest
- Homeowners' associations or some other responsible party shall be required to maintain any and all
 common open space and/or common elements.
 - A homeowners association will be formed for maintenance of common open space
- Lots of records are created with the recording of a planned development final plan.
 Lots will be created with the recording of a Final Plat

REQUIREMENTS PRIOR TO APPLICATION SUBMISSION

PRE-APPLICATION CONFERENCE - Not more than six (6) months nor less than five (5) working days prior to filing an application, the applicant shall arrange for a mandatory pre-application conference with OPD.

Pre-Application Conference held on: 1/11/21 with Jeffrey Penzes

NEIGHBORHOOD MEETING - At least ten (10) days, but not more than 120 days, prior to a hearing before the Land Use Control Board, the applicant shall provide an opportunity to discuss the proposal with representatives from neighborhoods adjacent to the development site (Section 9.3.2).

Neighborhood Meeting Requirement Met: Yes or Not Yet (Circle one) (If yes, documentation must be included with application materials)

SIGN POSTING - A sign or signs shall be erected on-site no more than 30 days or less than 10 days prior to the date of the Land Use Control Board hearing. See Sub-Section 9.3.4C of the UDC for further details on sign posting.

I (we) hereby make application for the Planned Development described above and on the accompanying materials. I (we) accept responsibility for any errors or omissions which may result in the postponement of the application being reviewed by the Memphis & Shelby County Land Use Control Board at the next available hearing date. I (We), owner(s) of the above described property hereby authorize the filing of this application and the above named persons to act on my behalf.

Property Owner of Record Date Applicant

GORD VISTA, LLC; A TENDERSE LLC Garald Robinson, Managing Membra

GUIDE FOR SUBMITTING PLANNED DEVELOPMENT APPLICATION (OUTLINE PLAN APPROVAL/OUTLINE PLAN AMENDMENT)

- THE APPLICATION Two (2) collated sets of this application in accordance with the requirements of the Unified Development Code and as outlined below shall be submitted to OPD. The following information is required to be submitted for consideration as a complete application, and except for copies of the Outline and/or Site/Concept Plan, shall be provided on sheets of 8.5"x11" in size. The application with original signatures shall be completed either with legible print or typewritten. Each application set shall be compiled in the following order:
 - 1) This application, 8,5"x11" Outline and/or Site/Concept Plan, Legal Description, Vicinity Map, 2-3 sets of gummed-backed Mailing Labels, 2 sets of paper copied Mailing Labels, Letter of Intent, 20"x24" Outline and/or Site/Concept Plan (folded), copy of Deed(s).
 - A compact disc with all submittal documents in "PDF" and any proposed conditions in "WORD".
- LETTER OF INTENT The letter shall include the following: В.
 - a) A brief narrative statement generally describing the nature, location and extent of the development and the market it is intended to serve.
 - A list of any professional consultants associated with the proposed development.
 - c) A written statement generally describing the relationship of the proposed development to the current policies and plans of the City and County. The statement shall include how the proposed

REQUIREMENTS PRIOR TO APPLICATION SUBMISSION

to filing an application, the applicant shall arrange	1/11/21	with	Jeffrey Penzeys
NEIGHBORHOOD MEETING - At least ten the Land Use Control Board, the applicant	(10) days, bu	it not mo	re than 120 days, prior to a hearing before
representatives from neighborhoods adjacent to the	ne developme	ent site (S	ection 9.3.2).
Neighborhood Meeting Requirement M	let: Yes yes, docume	or Not	Yet (Circle one) ust be included with application materials)
SIGN POSTING - A sign or signs shall be erected date of the Land Use Control Board hearing. posting.	ted on-site n See Sub-Sec	o more th	an 30 days or less than 10 days prior to the 4C of the UDC for further details on sign
I (we) hereby make application for the Plant materials. I (we) accept responsibility for any the application being reviewed by the Memj available hearing date. I (We), owner(s) of the application and the above named persons to a	phis & Shel above des	missions by Coun cribed pr	ty Land Use Control Board at the next
Property Owner of Record	1/30/2)	licant	Date

GUIDE FOR SUBMITTING PLANNED DEVELOPMENT APPLICATION (OUTLINE PLAN APPROVAL/OUTLINE PLAN AMENDMENT)

- A THE APPLICATION Two (2) collated sets of this application in accordance with the requirements of the Unified Development Code and as outlined below shall be submitted to OPD. The following information is required to be submitted for consideration as a complete application, and except for copies of the Outline and/or Site/Concept Plan, shall be provided on sheets of 8.5"x11" in size. The application with original signatures shall be completed either with legible print or typewritten. Each application set shall be compiled in the following order:
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 - 2) A compact disc with all submittal documents in "PDF" and any proposed conditions in "WORD".
- B. <u>LETTER OF INTENT</u> The letter shall include the following:
 - A brief narrative statement generally describing the nature, location and extent of the development and the market it is intended to serve.
 - b) A list of any professional consultants associated with the proposed development.
 - A written statement generally describing the relationship of the proposed development to the current policies and plans of the City and County. The statement shall include how the proposed

LETTER OF INTENT

February 4, 2021

Mr. Josh Whitehead, AICP Zoning Administrator Division of Planning and Development 125 N. Main, Ste. 468 Memphis, TN 38103

RE: Application for Planned Development

Coro Vista Planned Development - 20.54 +/- AC

Dear Josh:

Please accept, on behalf of the design team, WH Porter and Solomito Land Planning, and the applicant, Coro Vista, LLC, an application for a Planned Development. The property is located at the northwest corner of Coro Road and Drew Road in the Westwood Planning District and is owned in part by Shelby County Schools and in part by Coro Vista, LLC. A Principal in the Coro Vista, LLC is a 15-year resident homeowner in the Coro Lake Subdivision, directly east of the subject property.

Currently zoned Residential Single-Family (R-6, R-10), part of the property was once the home of the Coro Lake Elementary School that was demolished in 2017. Except for one single family home, vacant wooded properties mostly border the site on both the north and south with a few being Shelby County Tax Sale Properties.

The purpose of this application is to seek approval of a unique age restricted community that will be comprised of single-family detached homes, offering lake views on estate lots fronting Coro Road. Within the gated community boundaries, there will be single family cottage homes and a multifamily residence building. This self-contained community will also provide ample open space, walking trails and various support services as permitted under the RU-3 Zoning District.

As illustrated on the proposed site plan, the larger estate lots will provide the buffer and transition from the existing Coro Lake Subdivision approved in 1951. The multifamily residences will be internally located and house the necessary support services typically associated with age restricted and community living. Cottage homes will compose the balance of the development. This desirable age restricted community offers a variety of housing types that do not exist in this general area.

The tree lined pedestrian friendly streets are designed as 31' Private Drives. Integrated open spaces as well as more active green spaces and the lake provide the natural amenities that make Coro Vista a unique upscale proposal for this neighborhood.

The primary point of access will be from Coro Road, a 50' ROW. A secondary, resident only and emergency access will be located on Dodd Road, a 40' ROW. Common among age restricted communities, the trip generation numbers are usually lower than with unrestricted communities. Trip generation numbers are attached.

Memphis 3.0

Memphis 3.0 recommends Park and Recreation Facilities where the elementary school was located. An understandable recommendation, however, the school was demolished in 2017 and Dalstrom Park, a 75-acre regional park, is one mile away from the proposed development at Shelby Drive and Weaver Road. It is a family-



brenda@solomitolandplanning.com | 901.755.7495

February 4, 2021 Page 2

favored amenity offering picnic areas and play equipment, walking trails of its own and is arguably under-utilized given the size.

Because Dalstrom park serves the regional area, there does not appear to be a demand for a large-scale recreational complex at this location. The remainder of the site is recommended to be Primarily Single Unit Neighborhood.

This proposal meets all the criteria established in Memphis 3.0 including Goal 7: Prosperous and Affordable Communities.

Upon brief review of the area, there has not been a newly recorded development since the 1960s. Many developments were recorded in the 1960s but others date back to 1945 or before.

Westwood Hills SD -1966

Westwood Shores SD - 1965

Coro Lakes SD - 1951

Old Home Town SD - 1948

Gallina SD - 1945

Additionally, the below General Provisions provide additional support for this request.

UDC 4.10.3 Planned Development General Provisions

Pursuant to provisions contained in section 4.10.3:

 The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.

The property was previously developed as an elementary school that created weekday traffic and other activities until the school closed. This proposal will provide new housing and an economic boost to property values in an area that has not progressed as the remainder of City of Memphis. Surrounding properties will benefit from the Investment. The new development and the new residents will deter the current dumping and littering practices that occur regularly in this neighborhood.

An approved water supply, community wastewater treatment and disposal, and storm water drainage
facilities that are adequate to serve the proposed development have been or will be provided concurrent
with the development.

The property was previously development as an elementary school, Pre-K through 6. Approved water supply, community wastewater treatment and disposal, and storm water drainage facilities are all in place.

 The location and arrangement of the structures, parking areas, walks, lighting, and other service facilities shall be compatible with the surrounding land uses... (see UDC sub-section 4.10.3C)

The attached site plan and master plan illustrate the compliance with the UDC and compatibility with surrounding areas. This proposal provides home ownership opportunities and a multi-family element for age restricted residents. The area today is largely vacant with s few single-family homes. Several of the properties to the north have been and are in the Shelby County Tax sale process.

February 4, 2021 Page 3

 Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein and are not inconsistent with the public interest.

The minor request to allow cottage homes and the multifamily residences provides for the desirable mixture of housing types and options as outlined in Memphis 3.0. Additionally, age restricted community living is attractive to active seniors and empty nesters because of lower maintenance responsibilities and active lifestyle.

 Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements.

A Homeowners association will be created to own and maintain all privately held common open spaces, private drives and other amenities as illustrated.

Lots of records are created with the recording of a planned development final plan.

Cora Vista will be comprised of homeowners and resident stakeholders. The recording of the final plat will create lots that can be sold.

Additionally, the items submitted provide evidence that.

- The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic, or historic importance. The site was formerly constructed as an elementary school and is not likely to have natural, scenic, or historical significance.
- · The project complies with all additional standards imposed on it by any provisions authorizing such use.
- The request will not adversely affect the Memphis 3.0 or other plans to be considered (see Chapter 1.9).
 To the contrary, Coro Vista Planned Development will bring new construction and a variety of housing types to an area that has been dormant since the 1960s.
- The style and construction of the homes will be consistent and complimentary to the existing homes or violate the character of existing standards for development of the adjacent properties.

Thank you for your time and consideration in this matter. Feel free to contact me if you have any questions.

Sincerely,

Solomito Land Planning

Brenda Solomito Basar Land Planner

29

				Cor	o Vist	ta Pla	nned	Deve	lope	mnt		T	rip Ge	enrati	on					
Description ITE Code	Units	ITE Vehicle Trip Generation Rates (peak hours are for peak hour of adjacent street traffic unless highlighted)							Units	Expected To Units	Total Gene	Total Generated Trips		Total Distribution of Generated Trips						
		Weekday	AM	PM	Pass-By	AM In	AM Out	PM In	PM Out	Independent Variable		Daily	AM Hour	PM Hour	AM In	AM Out	Pass-By	PM In	PM Out	Pass-B
Senior Adult Housing- Detached 251	DU	3.68	0.22	0.27		35%	65%	61%	39%	DU	65.0	239	14	18	5	9	0	11	7	0
Senior Adult Housing- Attached 252	DU	3.44	0.20	0.25		34%	66%	54%	46%		60.0	206	12	15	4	8	0	8	7	0

SIGN AFFIDAVIT

	AFFIDAVIT	
Shelby County State of Tennessee		
on the 23 day of	, being duly sworn, deporture, 2021, PD 21-005at _Dodd Road an	ose and say that at9 <mark>am/</mark> pm I posted _2_ Public Notice Sign(s,
providing notice of a X Memphis City consideration of a Special Use F and/or Alley Closure),	Public Hearing before the Council,Shelby Couproposed Land Use Action Permit,Zoning District	XLand Use Control Board inty Board of Commissioners for n (XPlanned Development Map Amendment, Stree eing attached hereon and a copy of hereto.
Owner, Applicant or R		2/23/21 Date
Notary Public	akeman	of February, 2021.
My commission expired STATE OF TENNESSEE NOTARY PUBLIC PUBLIC OMM. EXP. AUGUST 20.	es: <u>Aug 20, 2</u> 023	

LETTERS RECEIVED

Three letters of support and one letter of opposition were received at the time of publication. They have been pasted below.

Good afternoon Brett,

Hope all is well with you. Wanted to reach out and offer a note of support from the Board of Directors of Uplift Westwood CDC for the Coro Vista Planned Development that will be coming before the Land Use Control Board. We feel this development will add value to our community and provide a level of living for our senior community that we don't currently have.

This project has our full support.

Charles Everett Board of Directors Uplift Westwood CDG 901.826.8019



Jstory3 <jstory3@comcast.net>
To: Brenda Solomito Basar
brenda@solomitolandplanning.com>

Wed, May 5, 2021 at 7:37 AM

Dear Brenda, it is a pleasure to write a letter in support of Coro Vista. The presentation and the involvement that you and your company have displayed is on an beyond.

In conclusion we fully support the projection of Coro Vista.

Sincerely Robert and Jeanette Story

May 11, 2021

To Whom It May Concern:

Re: Coro Vista New Development Project

As a preteen I grew up in Coro Lake subdivision and lived with here until I moved out of my parent's house and got a place of my own. I have many fond memories to cherish.

In October of 2020, I decided to move back to Coro to care for aging parents whose declining health required more hands-on assistance with their day-to-day needs.

For the most part the neighborhood was still the same, some neighbors had stayed and other were gone but the beauty of the community continues to be the constant feature of the two lakes making the neighborhood a hidden gem and peaceful sanctuary within city limits.

My decision to build in the subdivision became evident when the accommodations at my parent's home were not suitable for their proper care. I was able to purchase two(2) lots together in the Coro Lake subdivision that would suited perfectly for what I needed to build, a one-story ranch style home, on a corner lot, in a cove and that backed up to the Lake!

Construction started on the property in November, 2020 and is projected to be completed by the July, 2021.

It is with great excitement that I look forward to this new chapter in my life in a place that I will call "my forever home" with my parents.

That being said, I give 100% support to the Coro Vista development project that too will be an added asset to upgrading and bringing new life into our community whereby together we can all take pride in our neighborhood that others too, will proclaim this is "my forever home".

Sincerely yours,

Tina Frazier

Tina Frazier, Future Homeowner 4948 Coro Cove Memphis, TN 38109

Contact: tfrazier2031@gmail.com

Phone: 901.628.3896

Hi Mr. Davis,

I am a resident of Coro Lake on Coro Rd.

I oppose the development due to road safety conditions on Coro Rd and Dodd Rd. Our Lake subdivision has an on going problem with non residents driving too fast around the lake resulting especially at night driving around curves they think are straight and going in the lake.

These pictures are from the curve at 4814 Coro Rd - half way from Drew Rd and Shelby Dr. A car was going too fast and was stopped by some small trees at the edge of the lake.



*continued on next page

Staff Report PD 21-5 10 June 2021 Page 35

Our HOA is not interested in installing guard rails or post. This would take away from the natural setting and additional grass cutting involved from Volunteer work.

Dodd Rd has a problem with speeding traffic. The residents complained to the City and speed bumps were installed.

In 1969, our principal at Coro Lake Elementary was killed at the top of the hill on Shelby Dr. between Coro Rd and East Shore Dr.

He was going home one afternoon and two guys drunk were racing west bound in both lanes. Mr Naquin went off the road and hit a telephone pole. My Brother and I saw the accident.

Too many steep hills and tight curves on Coro Rd will be a safety concern because with 120 dwellings the amount of vehicles will about double with friends and relatives.

I think the best site for the development is on West Holmes Rd west of Highway 61. The street is close to 61 with a light and a short distance to add four lanes. Also the residents would have a great view of Robco Lake and access with permission from Robco's HOA. This site would have less impact on the environment and construction cost reduced.

Regards, Terry Bentley

9 June 2021

To the Members of the Land Use Control Board:

My name is Michael Compton. I am a resident of Coro Lake and a member of the Coro Lake Home Owners Assoc. I want to speak against the Coro Vista development, as it is presently conceived, because I believe it is the **wrong development, in the wrong place, at the wrong time**.

Featuring 58 zero-lot "cottage homes" and a 60-unit, 4-story apartment building (as well as 7 miniature "estate homes"), Coro Vista is too big, too dense, and absolutely the **wrong development** for the Coro Lake area.

Coro Lake currently has 147 private residences on about 125 acres of land, surrounding a 95-acre lake. The surrounding neighborhoods are all similarly semi-rural in character: single-family homes on large lots surrounded by forest and wetlands. Our lake-centered community is a place where people can fish, enjoy wildlife, have large gardens, and even enjoy the stars at night.

Coro Vista proposes to add to this semi-rural setting an exclusive, gated community of about 125 residences on less than 20 acres of land. In a very concentrated area it will almost double the population of the immediate area, with double the traffic, double the noise, and double the light pollution. (No more stars.)

Coro Vista proposes to sell zero lots on which people will build "cottage homes" (I have also heard Coro Vista plans to build the homes themselves, but reliable information has been hard to come by). In contrast, Coro Lake features—along with its a mix of mostly modest homes and a sprinkling of "McMansions"—some 57 privately owned vacant lots. So there are numerous opportunities for anyone who wants to build new houses or rehab old ones, all with lots of at least a ½ acre in size, on the lake, with full lake privileges. With those kinds of properties available, it is difficult to see how Coro Vista proposes to attract buyers who will build on lots with zero acreage, off the lake, and with no lake privileges.

But the dominant feature of Coro Vista is not the zero lots; it is the 4-story "multi-family residence"—which is a nice way of saying "apartment building." There can be no justification for such a massive structure near Coro Lake. Buildings of such size may be found in the commercial districts of Memphis—Downtown, Midtown, and the Highland "Strip," for example—but they are totally out of character for residential neighborhoods of single-family homes.

With this one giant structure, Coro Lake's appeal as a place to enjoy nature and escape the hustle and bustle of city life will be erased. But is not only a matter of lifestyle—the homeowner covenant of Coro Lakes states that the community is exclusively designated for single family residences. I have been told the Robco Lake homeowners covenant contains similar language. Coro Vista would undermine that foundational stipulation.

Many of my neighbors fear—despite assurances from the developers—that the apartment building is the real objective here. Once it is built, it will be in no one's interest to let it sit vacant, so it will be filled by whatever available means. After that, if the zero lots do not sell, it will not matter, because the developers will already have made their profit. The unsold zero lots can then be left to languish, or—since the door has been opened—more apartment construction may be approved.

By raising this scenario, I have no intention of criticizing the developers or accusing them of dishonesty—what I describe just makes good business sense. The Coro Vista partners may intend to follow through on the project all the way, but good intentions are not legally binding, and residents are concerned about having no recourse if the development fails, or if it transforms into something even bigger and more intrusive.

In another location, Coro Vista could be a viable, and even welcome, development, but it is in **the wrong place**. As noted above, its character is suited to a more urban setting, or at least a setting with access to main thoroughfares. Shelby, Holmes, Weaver, and Highway 51 are all fronted by abundant unused, underused, or blighted land that would be perfect for such a development. As an infill project, Coro Vista could be a real boon to Greater Westwood. But as it is presently conceived—shoehorned into an isolated residential neighborhood with access only to narrow, winding "country" roads—it is difficult to see how Coro Vista will best serve its own residents, much less the neighboring community.

With no direct access to any main thoroughfare, Coro Vista will have the greatest impact on the 77 homeowners on Coro and Dodd Roads. Coro Vista's 125 proposed residences translates to a 160% expansion—which means a likely 160% increase in traffic on those two streets. By Coro Vista's own numbers, there will be an additional 445 trips—that's 445 more cars—per week funneled into these two quiet streets. Dodd already has speed bumps because of the problem with through traffic. This problem will be greatly enhanced by Coro Vista.

Finally, this is **the wrong time** for this development. It has been presented that Coro Lake is a neighborhood on the decline, when in fact it is a neighborhood that is making a comeback. Photos have been shared portraying our neighborhood as a blighted dumping ground of decaying houses and trashstrewn roads. As the enclosed pictures show, this is not a fair representation. We have a revitalized HOA that is dedicated to keeping our neighborhood clean, up to code, and vital, and we have new houses being built, as well as older ones being rehabilitated.



(NEW CONSTRUCTION)





(REHAB)

At great expense to property owners, we have also rebuilt the Coro Lake dam to meet state specifications, and we are dredging the silt-filled inlets to ensure the lake will thrive for decades to come.

We have secured grants from the City to place security cameras around the neighborhood, and have even offered to help Lakeshores Church apply for a camera grant to provide better security for their congregants and buildings.

We are in frequent touch with Code Enforcement and Memphis 311 to address blight and dumping issues, not only in our immediate neighborhood, but in the surrounding areas as well.



(BEFORE & AFTER)

Our HOA even has bi-annual cleanup parties, when we pick up trash throughout the neighborhood and all the way up Shelby Dr. to Dalstrom Park.

The one, single way in which Coro Vista is compatible with our neighborhood is that it is geared toward retirees. With its older population, Coro Lake is already a de facto retirement community, which is one reason it has stagnated over the past decade or so. What we need are not more older folks. We need younger families, with children, who will take full advantage of what Coro Lake has to offer and will again make it the vibrant, growing community it used to be. There has recently been a small trend in that direction, with both new home construction and rehabbing of older homes (my own included), but if we want to attract more families we need family homes, not a gated apartment complex for retirees.

One additional concern I hesitate to bring up is the lack of helpful information coming from the developers. Again, I do not wish to criticize or make insinuations, so I will simply state the facts: One of the selling points for Coro Vista is Mr. Robinson's experience developing "over \$100 million of various projects mostly in Southern California." Yet despite repeated requests for the names and locations of some of these developments, or the name of anyone he has worked with in the past, no information has been forthcoming. Additionally, the business address Mr. Robinson has provided in California—1450 E. Compton Blvd.—is designated by the Tennessee Secretary of State as "undeliverable." In a follow-up call to the business located there—Compton Self Storage—I learned that Mr. Robinson has no office there and has not been with that company for years

Again, I make no inferences. Mr. Robinsons may indeed have many wonderful real estate developments to his credit, but I have to ask why he has declined repeated requests to provide information one would think he would be eager to share.

The above remarks are mine alone, but from conversations I have had, I feel they represent the concerns of many of my neighbors, even some who are not necessarily opposed to the project. I thank the members of the Board for their attention in this matter, and for the opportunity for my voice to be heard.

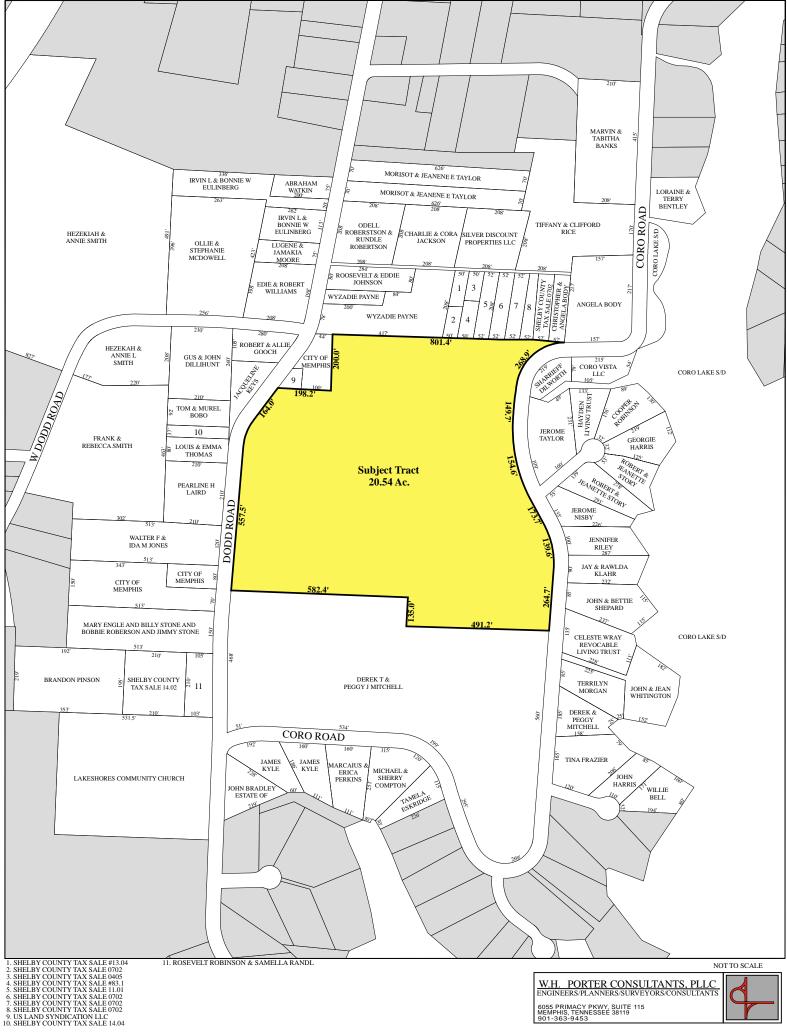
Warmest regards,

Michael Compton 5021 Coro Rd. Memphis, TN 38109

NOTICE TO INTERESTED OWNERS OF PROPERTY (PLANNED DEVELOPMENT)

	ambers, First Floor, City Hall, 125	Council of the City of Memphis, Tennessee, meeting North Main Street, Memphis, Tennessee, 38103, or granting an application for a special use permit for a		
J		Memphis and Shelby County Unified Developmen		
CASE NUMBER:	PD 21-5			
LOCATION:	1560 Drew Road and an adjacent parcel			
COUNCIL DISTRICTS:	District 6 and Super District 8			
OWNERS:	Coro Vista, LLC, and Shelby County Schools			
APPLICANT:	Coro Vista, LLC			
REPRESENTATIVE:	Brenda Solomito of Solomito Land Planning			
EXISTING ZONING:	Residential – 6 and Residential – 10			
REQUEST:	Special use permit for a planned residential development			
AREA:	20 acres			
RECOMMENDATIONS:				
Memphis and Shelby County	y Division of Planning and Develo	pment: Approval with outline plan conditions		
Memphis and Shelby County	y Land Use Control Board:	Approval with outline plan conditions		
p.m. the Council of the City North Main Street, Memphis such remonstrances or prote	, Tennessee 38103 to hear remonstr	in session at the City Hall Council Chambers at 125 rances or protests against the making of such changes es, or by attorneys, or by petition, and then and there		
	at the Planning and Zoning Coming date and posted on the City of	mittee on the same day with the specific time to be Memphis' website.		
THIS THE	,			
ATTEST:		FRANK COLVETT, JR. CHAIRMAN OF COUNCIL		
DYWUANA MORRIS CITY COMPTROLLER				

TO BE PUBLISHED:



6055 PRIMACY PKWY, SUITE 115 MEMPHIS, TENNESSEE 38119 901-363-9453

EULINBERG IRVIN L & BONNIE W	WATKIN ABRAHAM	TAYLOR MORISOT & JEANENE E
5023 MALLARD POINT CV	38 E FAIRMOUNT AVE	4774 DODD RD
MEMPHIS, TN 38109	PONTIAC MI 48340	MEMPHIS TN 38109
RICE TIFFANY AND CLIFFORD RICE JR	BANKS MARVIN & TABATHA	MCDOWELL OLLIE & STEPHANIE
PO BOX 333	4731 CORO RD	655 W RAINES RD
MILLINGTON TN 38083	MEMPHIS TN 38109	MEMPHIS TN 38109
EULINBERG IRVIN L & BONNIE W 5023 MALLARD POINT CV MEMPHIS TN 38109	ROBERTSON ODELL (1/3) INT AND SAMELLA RUNDLE (1/3) INT 8224 S YATES BLVD CHICAGO IL 60617	JACKSON CHARLIE & CORA L 3797 SEWANEE RD MEMPHIS TN 38109
SILVER DISCOUNT PROPERTIES LLC	MOORE LUGENE & JAMAKIA	WILLIAMS EDDIE & ROBERT
PO BOX 48708	4793 DODD RD	4265 BROOKWAY
LOS ANGELES CA 90048	MEMPHIS TN 38109	MEMPHIS TN 38109
JOHNSON ROOSEVELT & EDDIE L	PAYNE WYZADIE L	PAYNE WYZADIE
27 E DUNBAR RD	4820 DODD RD	4820 DODD RD
MEMPHIS TN 38109	MEMPHIS TN 38109	MEMPHIS TN 38109
SHELBY COUNTY TAX SALE 13.04 PO BOX 2751 MEMPHIS TN 38101	SHELBY COUNTY TAX SALE 0702 EXH #16936 PO BOX 2751 MEMPHIS TN 38101	SHELBY COUNTY TAX SALE 0405 EXH #14467 PO BOX 2751 MEMPHIS TN 38101
SHELBY COUNTY TAX SALE #83.1 EXH #8309 160 N MAIN ST MEMPHIS TN 38103	SHELBY COUNTY TAX SALE 11.01 PO BOX 2751 MEMPHIS TN 38101	SHELBY COUNTY TAX SALE 0702 EXH #16940 PO BOX 2751 MEMPHIS TN 38101
SHELBY COUNTY TAX SALE 0702	SHELBY COUNTY TAX SALE 0702	SHELBY COUNTY TAX SALE 0702
EXH #16941	EXH #16942	EXH #16943
PO BOX 2751	PO BOX 2751	PO BOX 2751
MEMPHIS TN 38101	MEMPHIS TN 38101	MEMPHIS TN 38101
BODY CHRISTOPHER & ANGELA	BODY ANGELA	CORO LAKE SUBDIVISION TRS OF
5376 SANTA BARBARA ST	5376 SANTA BARBARA	P O BOX 901153
MEMPHIS TN 38116	MEMPHIS TN 38116	MEMPHIS TN 38190

DILWORTH SHARRIEFF A

2951 BANNOCKBURN RD

MEMPHIS TN 38128

CORO VISTA LLC

1450 E COMPTON BLVD

COMPTON CA 90221

CORO LAKE SUBDIVISION (TRS)

PO BOX 901153

MEMPHIS TN 38190

CORO VISTA LLC	CITY OF MEMPHIS	U S LAND SYNDICATION LLC
1450 E COMPTON BLVD	125 N MAIN ST	6645 QUEEN AVE S APT 100B
COMPTON CA 90221	MEMPHIS TN 38103	MINNEAPOLIS MN 55423
GOOCH ROBERT & ALLIE B 4833 DODD RD MEMPHIS TN 38109	DILLIHUNT GUS ((ESTATE OF) AND JOHN D DILLIHUNT 402 KING RD MEMPHIS TN 38109	SMITH HEZEKIAH & ANNIE L 1678 W DODD RD MEMPHIS TN 38109
SMITH FRANK & REBECCA	BOBO TOM & MUREL	KEYS JACQUELINE
1678 W DODD RD	4851 DODD RD	1492 JEANNINE ST
MEMPHIS TN 38109	MEMPHIS TN 38109	MEMPHIS TN 38111
SHELBY COUNTY TAX SALE 14.04	THOMAS LOUIS & EMMA	LAIRD PEARLINE H
PO BOX 2751	4861 DODD RD	4239 VAN BUREN PL
MEMPHIS TN 38101	MEMPHIS TN 38109	LOS ANGELES CA 90037
JONES WALTER F & IDA M	CITY OF MEMPHIS	CITY OF MEMPHIS
4893 DODD RD	220 S MAIN ST	125 N MAIN ST
MEMPHIS TN 38109	MEMPHIS TN 38103	MEMPHIS TN 38103
ENGLE MARY AND BILLY STONE AND BOBBIE ROBERSON AND JIMMY STONE 4897 DODD RD MEMPHIS TN 38109	PINSON BRANDON 1637 SOUTHWALL ST MEMPHIS TN 38114	SHELBY COUNTY TAX SALE 14.02 PO BOX 2751 MEMPHIS TN 38101
ROBINSON JR ROSEVELT AND SAMELLA R RANDL 8224 S YATES BLVD CHICAGO IL 60617	LAKESHORES COMMUNITY CHURCH OF THE APOSTOLIC FAITH 5049 CORO RD MEMPHIS TN 38109	MITCHELL DEREK T & PEGGY J 1808 PATRICK RD MEMPHIS TN 38114
KYLE JAMES E	KYLE JAMES E	PERKINS MARCAIUS & ERICA
337 W HUBBARD AVE	337 W HUBBARD AVE	720 LITTY CT
ELKHART IN 46516	ELKHART IN 46516	MEMPHIS TN 38103
COMPTON MICHAEL & SHERRY	ESKRIDGE TAMELA	FRAZIER TINA
5021 CORO RD	PO BOX 901551	4380 GRAY ESTATES DR
MEMPHIS TN 38109	MEMPHIS TN 38190	SOUTHAVEN MS 38671
HARRIS JOHN A	BELL WILLIE F	MITCHELL DEREK & PEGGY
4952 CORO CV	4954 CORO CV	4934 CORO RD
MEMPHIS TN 38109	MEMPHIS TN 38109	MEMPHIS TN 38109

MORGAN TERRILYN J 4924 CORO RD MEMPHIS TN 38109	WHITINGTON JOHN R & JEAN 4920 CORO RD MEMPHIS TN 38109	WRAY CELESTE REVOCABLE LIVING TRUST 259 GRAYLYNN DR NASHVILLE TN 37214
SHEPARD JOHN & BETTIE C	KLAHR JAY D III & RAWLDA	RILEY JENNIFER M
4904 CORO RD	4898 CORO RD	4888 CORO RD
MEMPHIS TN 38109	MEMPHIS TN 38109	MEMPHIS TN 38109
NISBY JEROME	STORY ROBERT B & JEANETTE	STORY ROBERT B & JEANETTE
4878 CORO RD	4872 HIGH POINT CV	4868 HIGH POINT CV
MEMPHIS TN 38109	MEMPHIS TN 38109	MEMPHIS TN 38109
HARRIS GEORGIE B	ROBINSON COOPER Y JR	HAYDEN LIVING TRUST
5098 CORO RD	5557 HACKBERRY CV	10939 CROOKED CREEK CIR
MEMPHIS TN 38109	MEMPHIS TN 38120	DALLAS TX 75229
TAYLOR JEROME JR 4263 TOMAHAWK ST MEMPHIS TN 38109	CORO LAKE SUBDIVISION TRS OF P O BOX 901153 MEMPHIS TN 38190	SMITH HEZEKIAH & ANNIE L 1678 W DODD RD MEMPHIS TN 38109
BENTLEY LORAINE AND TERRY BENTLEY AND JOE BENTLEY 4764 CORO RD MEMPHIS TN 38109	TAYLOR MORISOT & JEANENE E 4774 DODD RD MEMPHIS TN 38109	BRADLEY JOHN A (ESTATE OF) 1725 PRESTON ST MEMPHIS TN 38106
TENANT	TENANT	TENANT
4773 DODD RD	4785 S DODD RD	4793 DODD RD
MEMPHIS, TN 38109	MEMPHIS, TN 38109	MEMPHIS, TN 38109
TENANT	TENANT	TENANT
4782 DODD RD	4805 S DODD RD	4808 S DODD RD
MEMPHIS, TN 38109	MEMPHIS, TN 38109	MEMPHIS, TN 38109
TENANT	TENANT	TENANT
4814 CORO RD	4830 S CORO RD	4832 S DODD RD
MEMPHIS, TN 38109	MEMPHIS, TN 38109	MEMPHIS, TN 38109
TENANT	TENANT	TENANT
4875 DODD RD	4905 S DODD RD	1763 W DODD RD
MEMPHIS, TN 38109	MEMPHIS, TN 38109	MEMPHIS, TN 38109

TENANT 5041 CORO MEMPHIS, TN 38109 TENANT 4920 DODD RD MEMPHIS, TN 38109 TENANT 5037 CORO RD MEMPHIS, TN 38109

TENANT 5031 CORO RD MEMPHIS, TN 38109 TENANT 5029 CORO RD MEMPHIS, TN 38109 TENANT 5017 S CORO RD MEMPHIS, TN 38109

TENANT 4948 S CORO CV MEMPHIS, TN 38109

TENANT 4914 CORO RD MEMPHIS, TN 38109 TENANT 4864 S HIGH POINT CV MEMPHIS, TN 38109

TENANT 4860 S HIGH POINT CV MEMPHIS, TN 38109 TENANT 4854 S HIGH POINT CV MEMPHIS, TN 38109 TENANT 4850 S HIGH POINT CV MEMPHIS, TN 38109

TENANT 5043 S CORO RD MEMPHIS, TN 38109

CITY OF MEMPHIS COUNCIL AGENDA CHECK OFF SHEET

ONE ORIGINAL Planning & Development ONLY STAPLED | DIVISION TO DOCUMENTS Planning & Zoning COMMITTEE: 08/03/2021 DATE PUBLIC SESSION: 08/03/2021 DATE ITEM (CHECK ONE) **ORDINANCE CONDEMNATIONS** GRANT ACCEPTANCE / AMENDMENT RESOLUTION GRANT APPLICATION REQUEST FOR PUBLIC HEARING OTHER: ITEM DESCRIPTION: A resolution approving an amendment to the Avanti Planned Development to allow a vehicle wash establishment in Parcel D CASE NUMBER: PD 21-24 DEVELOPMENT: Avanti Planned Development LOCATION: 1427 North Germantown Parkway COUNCIL DISTRICTS: District 2 and Super District 9 - Positions 1, 2, and 3 OWNER/APPLICANT: **OWS** Partnership REPRESENTATIVE: SR Consulting LLC – Cindy Reaves **EXISTING ZONING:** PD 07-335 Parcel D approved conditions with underlying Residential Urban - 3 (RU-3) REQUEST: Amendment to allow a car wash AREA: +/-6.56 acres The Division of Planning and Development recommended Approval with conditions RECOMMENDATION: The Land Use Control Board recommended Approval with conditions RECOMMENDED COUNCIL ACTION: Public Hearing Not Required PRIOR ACTION ON ITEM: APPROVAL - (1) APPROVED (2) DENIED 07/08/2021 DATE (1) Land Use Control Board ORGANIZATION - (1) BOARD / COMMISSION (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE FUNDING: (2) REQUIRES CITY EXPENDITURE - (1) YES (2) NO AMOUNT OF EXPENDITURE REVENUE TO BE RECEIVED SOURCE AND AMOUNT OF FUNDS OPERATING BUDGET CIP PROJECT # FEDERAL/STATE/OTHER ADMINISTRATIVE APPROVAL: **POSITION** DATE MUNICIPAL PLANNER DEPUTY ADMINISTRATOR ADMINISTRATOR DIRECTOR (JOINT APPROVAL) COMPTROLLER FINANCE DIRECTOR CITY ATTORNEY CHIEF ADMINISTRATIVE OFFICER COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

PD 21-24 – Avanti Planned Development

Resolution requesting an amendment to the Avanti Planned Development to allow a vehicle wash establishment in Parcel D at 1427 North Germantown Parkway:

- This item is a resolution with conditions for a planned development to allow the above; and
- The Division of Planning & Development at the request of the Owner(s)/Applicant(s): OWS Partnership; and Representative(s): Cindy Reaves, SR Consulting LLC; and
- This resolution, if approved with conditions, will supersede the existing zoning for this property; and
- The item may require future public improvement contracts.

RESOLUTION APPROVING THE AVANTI PLANNED DEVELOPMENT AT THE SUBJECT PROPERTY LOCATED AT 1427 NORTH GERMANTOWN PARKWAY, KNOWN AS CASE NUMBER PD 21-24.

WHEREAS, Chapter 9.6 of the Memphis and Shelby County Unified Development Code, being a section of the Joint Ordinance Resolution No. 5367, dated August 10, 2010, authorizes the Council of the City of Memphis to grant a planned development for certain stated purposes in the various zoning districts; and

WHEREAS, the OWS Partnership filed an application with the Memphis and Shelby County Division of Planning and Development to amend the Avanti Planned Development to allow a vehicle wash establishment in Parcel D; and

WHEREAS, the Division of Planning and Development has received and reviewed the application in accordance with procedures, objectives and standards for planned developments as set forth in Chapter 9.6 with regard to the proposed development's impacts upon surrounding properties, availability of public facilities, both external and internal circulation, land use compatibility, and that the design and amenities are consistent with the public interest; and has submitted its findings and recommendation subject to outline plan conditions concerning the above considerations to the Memphis and Shelby County Land Use Control Board; and

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on July 8, 2021, and said Board has submitted its findings and recommendation subject to outline plan conditions concerning the above considerations to the Council of the City of Memphis; and

WHEREAS, the Council of the City of Memphis has reviewed the aforementioned application pursuant to Tennessee Code Annotated Section 13-4-202(B)(2)(B)(iii) and has determined that said development is consistent with the Memphis 3.0 General Plan; and

WHEREAS, the Council of the City of Memphis has reviewed the recommendation of the Land Use Control Board and the report and recommendation of the Division of Planning and Development and has determined that said development meets the objectives, standards and criteria for a special use permit, and said development is consistent with the public interests.

NOW, THEREFORE, BE IT RESOLVED, BY THE COUNCIL OF THE CITY OF MEMPHIS, that, pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code, a planned development is hereby granted in accordance with the attached site and outline plan conditions.

BE IT FURTHER RESOLVED, that the requirements of said aforementioned clause of the Unified Development Code shall be deemed to have been complied with; that the outline plan shall bind the applicant, owner, mortgagee, if any, and the legislative body with respect to the contents of said plan; and the applicant and/or owner may file a final plan in accordance with said outline plan and the provisions of Section 9.6.11 of the Unified Development Code.

ATTEST:

Division of Planning and Development

– Land Use and Development Services

– Office of Construction Enforcement CC:

SITE CONDITIONS

- 1. Sidewalks, curb, and gutter shall be extended along the frontage of the site.
- 2. The vehicle wash structure shall be located no closer than 50 feet to the northern or eastern property lines.
- 3. The vehicle wash structure shall be constructed of building materials consistent with that of the principal building, including the roof.
- 4. The doors of the vehicle wash building shall be architecturally compatible with the vehicle wash building and shall be fully closed when the facility is not in operation.
- 5. The vehicle wash facility shall not operate before 6 AM or after 10 PM.
- 6. The vehicle wash may not be utilized for any accessory uses not customary and incidental to convenience stores with gasoline sales, such as tire sales.

OUTLINE PLAN CONDITIONS

- I. Uses Permitted:
 - A. Parcel A: Any use permitted by right or administrative site plan approval in the General Office (O-G) District with the following uses prohibited:

Group Shelter

Transitional home

Automobile service station

Gasoline sales

General service and repair shop

Lawn, tree or garden service

Restaurant with drive through window

Drive-in restaurant

Pawn Shop

Used goods, second hand sales

Vehicle wash

Veterinary clinic

- B. Parcel B: Any use permitted by right and by administrative site plan review in the Townhouse Residential (R-TH) District.
- C. Parcel C: Uses in accordance with the Planned Commercial (C-P) District with the following uses prohibited.

Group Shelter

Transitional home

General service and repair shop

Lawn, tree or garden service

Pawn Shop

Used goods, second hand sales

Vehicle wash

Veterinary clinic

D. Parcel D: Uses in accordance with the Planned Commercial (C-P) District with the following uses prohibited.

Group Shelter

Transitional home

General service and repair shop

Lawn, tree or garden service

Pawn Shop

Used goods, second hand sales

Vehicle wash

Veterinary clinic

Automobile service station, except for a full- or self-service vehicle wash establishment, which is permitted

Gasoline sales

II. Bulk Regulations:

- A. A maximum floor area of .25 FAR shall be permitted on the site excluding dedicated rights-of-way.
- B. Parcel A: The bulk regulations of the General Office (O-G) District shall apply with the following exceptions:
 - 1. Maximum building height shall be 35 feet, excluding penthouses.
 - 2. All building within 120 feet of the west and south boundary lines shall be designed to provide a residential appearance and shall use the same external building materials in the front and rear.
- C. Parcel B: The bulk regulations of the Townhouse Residential (R-Th) District shall apply with the following exceptions:

A maximum of ten (10) dwelling units per acre shall be permitted.

- D. Parcels C and D: The bulk regulations of the General Office (O-G) District and Planned Commercial (C-P) District shall apply with the following exceptions:
 - 1. Maximum building height shall be thirty-five (35) feet, excluding penthouses.
 - 2. The commercial land use shall be developed as illustrated on the conceptual plans.

III. Access and Circulation:

- A. One right-in-right out only private drive shall be permitted to intersect N. Germantown Parkway north of Club Parkway. No median openings shall be permitted on N Germantown Parkway.
- B. Improve Country Village Drive as a commercial collector with curb, gutter, and sidewalk according to the Subdivision Regulations. Allow one road connection to Country Village Drive.
- C. Allow one public street access to N. Germantown Parkway dedicated to commercial collector width sixty-eight (68') feet and aligned opposite the intersection of Club Parkway.
- D. All private drives to be constructed to meet City Standards and provide a minimum pavement width of 22 feet exclusive of curb and gutter.
- E. Internal circulation between all phases/sections/lots is required.
- F. Parking shall be provided in accordance with Section 28 of the Zoning Ordinance.
- G. Two (2) right-in, right-out only curb cuts shall be permitted along N. Germantown Parkway.

- H. Dedicate eighty (80) feet from the centerline of N. Germantown Parkway and improve in accordance with the Subdivision Regulations.
- I. One curb cut for Parcel 'D' shall be permitted along N. Germantown Parkway.

IV. Landscaping and Screening:

- A. Landscaping shall be provided along N. Germantown Parkway consistent with the landscaping of the existing office parcel on the south, including landscaped corners at the intersections. Plant materials shall be consistent with or compliment landscaping of the office parcel to the south if allowed by utilities subject to the approval of the Office of Planning and Development.
- B. The remainder of the perimeter shall be landscaped as follows:
 - 1. There shall be a 75-foot buffer along the east and southeast boundary lines with all existing vegetation remaining and an additional 15-foot planting screen provided within the buffer.
 - 2. There shall be a thirty-five (35) foot 'Natural Landscape Buffer' in parcel 'D' to include a sight-proof wood fence six (6) feet in height along the entire length of the north and east boundary lines with all existing vegetation remaining.
- C. Internal landscaping shall be provided at a ratio of 300 square feet of landscaped area and one shade tree per every 20 parking spaces.
- D. Existing trees shall be preserved wherever feasible.
- E. All required landscaping and screening shall not conflict with any easements including overhead wires.
- F. Equivalent landscaping may be substituted for that required above, subject to the approval of the Office of Planning and Development.
- G. Air conditioning, heating, ventilation or other mechanical equipment including that located on roofs which is visible from an adjacent street or residential lot shall be screened with the use of architectural features of the building or by other means.
- H. Utility features such as electrical wiring, conduit and meters shall also be screened using architectural features or landscaping.
- I. Maximum height of light standards shall be twenty-five (25) feet. Lighting shall be directed so as to not glare onto residential property.
- J. Refuse containers shall be completely screened from view from adjacent residential property.
- K. A detailed landscape and site lighting plan shall be approved by the Office of Planning and Development that the development is in conformance with the approved landscaping and site lighting plan.

V. Signs

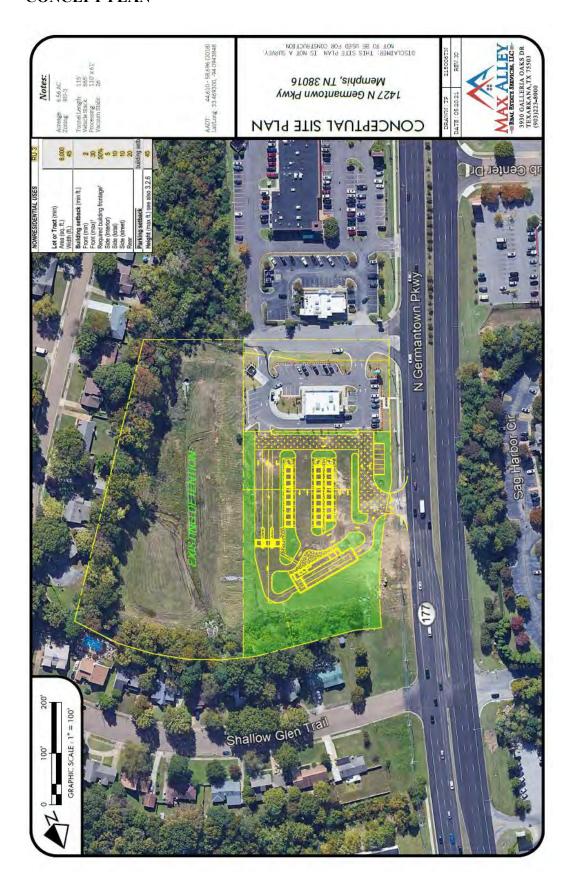
- A. Parcel A: Signs shall be regulated in accordance with the requirements of the O-G District
- B. Parcel B: Signs shall be regulated in accordance with the requirements of the R-TH District
- C. Parcel C: Signs shall be regulated in accordance with the requirements of the C-P District
- D. All signs shall be set back a minimum of 15 feet from the street right-of-way.
- E. Portable signs are prohibited.
- F. Parcel D: Signs shall be regulated in accordance with the requirements of the O-G and C-P District.

VI. Drainage:

- A. Drainage Improvements, including on-site detention, shall be provided under a Standard Subdivision contract in accordance with Subdivision Regulations and the City of Memphis Drainage Design Manual.
- B. Drainage data for assessment of on-site detention requirements shall be submitted to and approved by the City Engineer.
- C. The developer should be aware of his obligation under 40 CFR 122.26(b)(14) and TCA 69-3-101 et. seq. to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of storm water associated with the clearing and grading activity on this site.
- D. All drainage plans shall be submitted to the City Engineer for review and approval.
- E. All drainage emanating on-site shall be private. Easement shall not be accepted.
- F. In addition to providing necessary site drainage improvements, a pro-rata of the required downstream improvements will be assessed based on the portion of the project site to the total basin area.
- G. The project must be evaluated by the Tennessee Department of Health and Environment regarding their jurisdiction over the watercourses on this site in accordance with the Water Quality Control Act of 1971 as amended (TCA 69-3-101 et seq).
- VII. The Land Use Control Board may modify the bulk, access, parking, landscaping, screening, signs, and other site requirements if equivalent alternatives are presented; provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder may, within ten days of such action file a written appeal to the director of the Office of Planning and Development, to have such action reviewed by the Memphis City Council.
- VIII. Site Plan Review by the Office of Planning and Development
 - A. A site plan shall be submitted for the review, comment, and recommendation of the Office of Planning and Development prior to approval of any final plan.
 - B. The site plan shall illustrate the location and dimensions of building footprints, parking lots, private drives, building elevations, landscaping and screening plans.
 - C. The site plan shall be reviewed and based upon the following criteria:
 - 1. Conformance with the Outline Plan Conditions and the standards and criteria for commercial planned developments contained in the Zoning Ordinance and Subdivision Regulations
 - 2. Adequacy of public facilities (streets, sewers, drainage, etc.)
 - 3. Elements of site design such as building orientation and setback, access and parking, internal vehicular and pedestrian circulation, landscaping and lighting.
 - 4. Consistency between buildings in regard to building elevations and materials.
- IX. A final plan shall be filed within five (5) years of the approval of the Outline Plan, or the Outline Plan shall be deemed expired. The Land Use Control Board may grant extensions at the request of the applicant.
- X. Any final plan shall include the following:
 - A. The Outline Plan conditions
 - B. A standard subdivision contract as defined by the Subdivision Regulations for any needed public improvements.

- C. The exact location and dimensions including height of buildings, parking areas, utility easements, drives, trash receptacles, loading facilities, and required landscaping and screening areas.
- D. A rendering including plan view and elevation of any proposed development identification signs showing the height, dimensions, and design thereof.
- E. The number of parking spaces
- F. The location and ownership, whether public or private, of any easement.
- G. If applicable, a statement conveying all common facilities and areas to a property owners' association or other entity for ownership and maintenance purposes.
- H. Building illustrations are required by condition II.B.2.
- I. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by 'Reserved for Storm Water Detention' shall not be used as a building site or filled without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City and/or County Engineer's Office. Such maintenance shall include, but not be limited to: removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning and repair of drainage structures.

CONCEPT PLAN



LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on *Thursday, July 8, 2021*, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: PD 21-24

DEVELOPMENT: Avanti Planned Development

LOCATION: 1427 North Germantown Parkway

COUNCIL DISTRICT(S): District 2 and Super District 9 – Positions 1, 2, and 3

OWNER/APPLICANT: OWS Partnership

REPRESENTATIVE: SR Consulting LLC – Cindy Reaves

REQUEST: Amendment to allow a car wash

EXISTING ZONING: PD 07-335 Parcel D approved conditions with underlying Residential

Urban – 3 (RU-3)

AREA: +/-6.56 acres

The following spoke in support of the application: None

The following spoke in opposition the application: None

The Land Use Control Board reviewed the application and the staff report. A motion was made and seconded to recommend approval with conditions.

The motion passed by a unanimous vote of 9-0 on the consent agenda.

Respectfully,

Clarke Shupe-Diggs

Municipal Planner

Land Use and Development Services
Division of Planning and Development

Cc: Committee Members

File

PD 21-24 CONDITIONS

Site Conditions

- 1. Sidewalks, curb, and gutter shall be extended along the frontage of the site.
- 2. The vehicle wash structure shall be located no closer than 50 feet to the northern or eastern property lines.
- 3. The vehicle wash structure shall be constructed of building materials consistent with that of the principal building, including the roof.
- 4. The doors of the vehicle wash building shall be architecturally compatible with the vehicle wash building and shall be fully closed when the facility is not in operation.
- 5. The vehicle wash facility shall not operate before 6 AM or after 10 PM.
- 6. The vehicle wash may not be utilized for any accessory uses not customary and incidental to convenience stores with gasoline sales, such as tire sales.

Outline/General Plan Conditions

- I. Uses Permitted:
 - A. Parcel A: Any use permitted by right or administrative site plan approval in the General Office (O-G) District with the following uses prohibited:

Group Shelter

Transitional home

Automobile service station

Gasoline sales

General service and repair shop

Lawn, tree or garden service

Restaurant with drive through window

Drive-in restaurant

Pawn Shop

Used goods, second hand sales

Vehicle wash

Veterinary clinic

- B. Parcel B: Any use permitted by right and by administrative site plan review in the Townhouse Residential (R-TH) District.
- C. Parcel C: Uses in accordance with the Planned Commercial (C-P) District with the following uses prohibited.

Group Shelter

Transitional home

General service and repair shop

Lawn, tree or garden service

Pawn Shop

Used goods, second hand sales

Vehicle wash

Veterinary clinic

D. Parcel D: Uses in accordance with the Planned Commercial (C-P) District with the following uses prohibited.

Group Shelter

Transitional home

General service and repair shop

Lawn, tree or garden service

Pawn Shop

Used goods, second hand sales

Vehicle wash

Veterinary clinic

Automobile service station, except for a full- or self-service vehicle wash establishment, which is permitted

Gasoline sales

II. Bulk Regulations:

- A. A maximum floor area of .25 FAR shall be permitted on the site excluding dedicated rights-of-way.
- B. Parcel A: The bulk regulations of the General Office (O-G) District shall apply with the following exceptions:
 - 1. Maximum building height shall be 35 feet, excluding penthouses.
 - 2. All building within 120 feet of the west and south boundary lines shall be designed to provide a residential appearance and shall use the same external building materials in the front and rear.
- C. Parcel B: The bulk regulations of the Townhouse Residential (R-Th) District shall apply with the following exceptions:

A maximum of ten (10) dwelling units per acre shall be permitted.

- D. Parcels C and D: The bulk regulations of the General Office (O-G) District and Planned Commercial (C-P) District shall apply with the following exceptions:
 - 1. Maximum building height shall be thirty-five (35) feet, excluding penthouses.
 - 2. The commercial land use shall be developed as illustrated on the conceptual plans.

III. Access and Circulation:

A. One right-in-right out only private drive shall be permitted to intersect N. Germantown Parkway north of Club Parkway. No median openings shall be permitted on N Germantown Parkway.

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- F. Parking shall be provided in accordance with Section 28 of the Zoning Ordinance.
- G. Two (2) right-in, right-out only curb cuts shall be permitted along N. Germantown Parkway.
- H. Dedicate eighty (80) feet from the centerline of N. Germantown Parkway and improve in accordance with the Subdivision Regulations.
- I. One curb cut for Parcel 'D' shall be permitted along N. Germantown Parkway.

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- A. Landscaping shall be provided along N. Germantown Parkway consistent with the landscaping of the existing office parcel on the south, including landscaped corners at the intersections. Plant materials shall be consistent with or compliment landscaping of the office parcel to the south if allowed by utilities subject to the approval of the Office of Planning and Development.
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K. A detailed landscape and site lighting plan shall be approved by the Office of Planning and Development that the development is in conformance with the approved landscaping and site lighting plan.

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- A. Parcel A: Signs shall be regulated in accordance with the requirements of the O-G District
- B. Parcel B: Signs shall be regulated in accordance with the requirements of the R-TH District
- C. Parcel C: Signs shall be regulated in accordance with the requirements of the C-P District
- D. All signs shall be set back a minimum of 15 feet from the street right-of-way.
- E. Portable signs are prohibited.
- F. Parcel D: Signs shall be regulated in accordance with the requirements of the O-G and C-P District.

VI. Drainage:

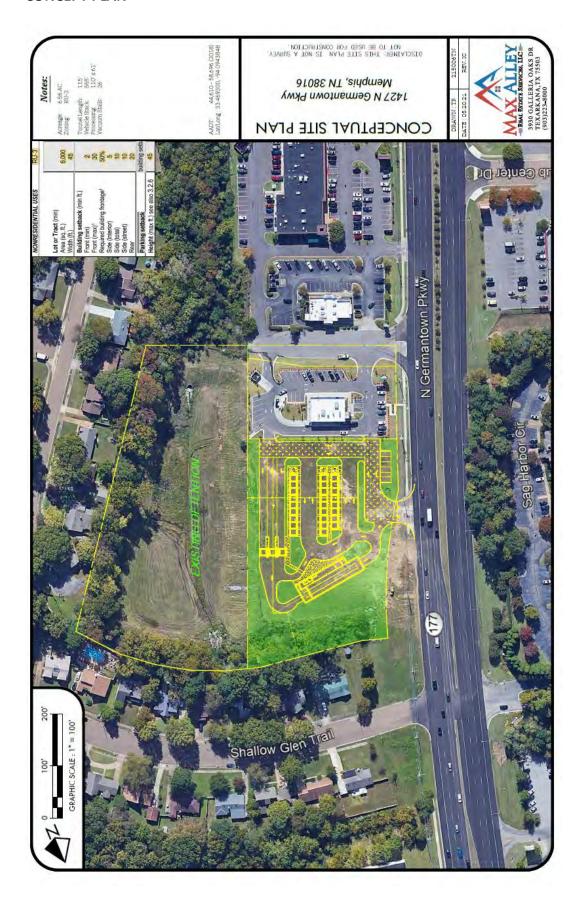
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- C. The developer should be aware of his obligation under 40 CFR 122.26(b)(14) and TCA 69-3-101 et. seq. to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of storm water associated with the clearing and grading activity on this site.
- D. All drainage plans shall be submitted to the City Engineer for review and approval.
- E. All drainage emanating on-site shall be private. Easement shall not be accepted.
- F. In addition to providing necessary site drainage improvements, a pro-rata of the required downstream improvements will be assessed based on the portion of the project site to the total basin area.
- G. The project must be evaluated by the Tennessee Department of Health and Environment regarding their jurisdiction over the watercourses on this site in accordance with the Water Quality Control Act of 1971 as amended (TCA 69-3-101 et seq).
- VII. The Land Use Control Board may modify the bulk, access, parking, landscaping, screening, signs, and other site requirements if equivalent alternatives are presented; provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder may, within ten days of such action file a written appeal to the director of the Office of Planning and Development, to have such action reviewed by the Memphis City Council.

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- A. A site plan shall be submitted for the review, comment, and recommendation of the Office of Planning and Development prior to approval of any final plan.
- B. The site plan shall illustrate the location and dimensions of building footprints, parking lots, private drives, building elevations, landscaping and screening plans.

- C. The site plan shall be reviewed and based upon the following criteria:
 - 1. Conformance with the Outline Plan Conditions and the standards and criteria for commercial planned developments contained in the Zoning Ordinance and Subdivision Regulations
 - 2. Adequacy of public facilities (streets, sewers, drainage, etc.)
 - 3. Elements of site design such as building orientation and setback, access and parking, internal vehicular and pedestrian circulation, landscaping and lighting.
 - 4. Consistency between buildings in regard to building elevations and materials.
- IX. A final plan shall be filed within five (5) years of the approval of the Outline Plan, or the Outline Plan shall be deemed expired. The Land Use Control Board may grant extensions at the request of the applicant.
- X. Any final plan shall include the following:
 - A. The Outline Plan conditions
 - B. A standard subdivision contract as defined by the Subdivision Regulations for any needed public improvements.
 - C. The exact location and dimensions including height of buildings, parking areas, utility easements, drives, trash receptacles, loading facilities, and required landscaping and screening areas.
 - D. A rendering including plan view and elevation of any proposed development identification signs showing the height, dimensions, and design thereof.
 - E. The number of parking spaces
 - F. The location and ownership, whether public or private, of any easement.
 - G. If applicable, a statement conveying all common facilities and areas to a property owners' association or other entity for ownership and maintenance purposes.
 - H. Building illustrations are required by condition II.B.2.
 - I. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by 'Reserved for Storm Water Detention' shall not be used as a building site or filled without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City and/or County Engineer's Office. Such maintenance shall include, but not be limited to: removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning and repair of drainage structures.

CONCEPT PLAN



dpd STAFF REPORT

AGENDA ITEM: 15

CASE NUMBER: PD 21-24 L.U.C.B. MEETING: July 8, 2021

DEVELOPMENT: Avanti Planned Development

LOCATION: 1427 North Germantown Parkway

COUNCIL DISTRICT: District 2 and Super District 9 – Positions 1, 2, and 3

OWNER/APPLICANT: OWS Partnership

REPRESENTATIVE: SR Consulting LLC – Cindy Reaves

REQUEST: Amendment to allow a car wash

AREA: +/-6.56 acres

EXISTING ZONING: PD 07-335 Parcel D approved conditions with underlying Residential Urban – 3 (RU-3)

CONCLUSIONS

- 1. The applicant is requesting an amendment to the Avanti Planned Development to allow a vehicle wash establishment in Parcel D, which is located at the intersection of an arterial (North Germantown Parkway) and local (Shallow Glen Drive) road.
- 2. Automobile service uses, which includes vehicle wash establishments, as a principal use is not permitted by right in the outline plan conditions. Additionally, in accordance with Sub-Section 2.6.3T and Item 2.6.3J(1)(f) of the Unified Development Code (UDC), Special Use Permit approval is required for any vehicle wash establishment constructed after January 28, 2013, that is not located at the intersection of two arterials, an arterial and a collector, or two collectors.
- 3. The concept plan is in conformance with the outline plan conditions other than the width of the landscaping buffer which has been expanded (35 feet required, 89 feet provided) along the northern property line.
- 4. The subject property is currently vacant, and the lot redesign will create a more desirable layout that is consistent with the existing lots on North Germantown Parkway.
- 5. The location and arrangement of the structures, parking areas, walks, lighting and other service facilities are compatible with the surrounding land uses.
- 6. The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.

CONSISTENCY WITH MEMPHIS 3.0

This proposal is consistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages 15-16 of this report.

RECOMMENDATION

Approval with Conditions

Staff Writer: Clarke Shupe-Diggs E-mail: Clarke.Shupe.Diggs@memphistn.gov

Staff Report July 8, 2021 PD 21-24 Page 2

GENERAL INFORMATION

Street Frontage: North Germantown Parkway +/-395 curvilinear feet

Zoning Atlas Page: 1955

Parcel ID: 096500 00755

Existing Zoning: PD 07-335 Parcel D approved conditions with underlying Residential Urban – 3

(RU-3)

NEIGHBORHOOD MEETING

The meeting was held at 5:30 PM on Monday, June 28, 2021, via Zoom.

PUBLIC NOTICE

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 83 notices were mailed on June 28, 2021, and a total of 1 sign posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



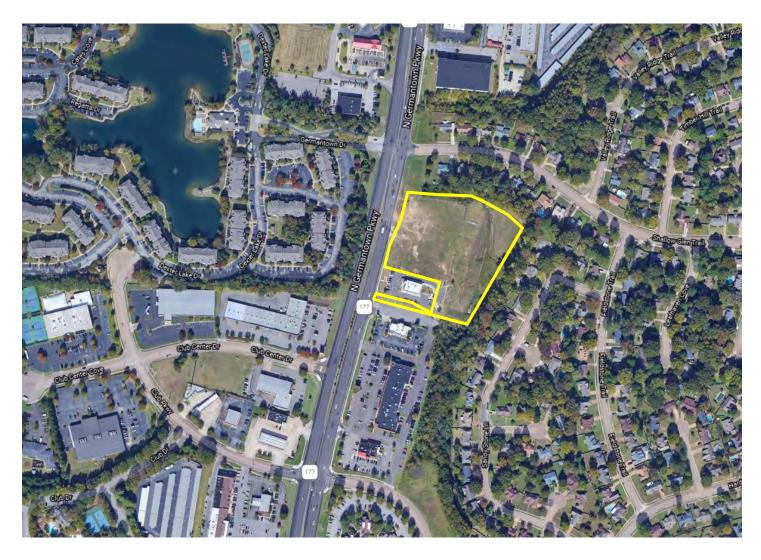
Subject property located within the pink circle, Cordova neighborhood

VICINITY MAP



Subject property highlighted in yellow

AERIAL



Subject property outlined in yellow

ZONING MAP



Subject property highlighted in yellow

Existing Zoning: PD 07-335 Parcel D approved conditions with underlying Residential Urban – 3 (RU-3)

Surrounding Zoning

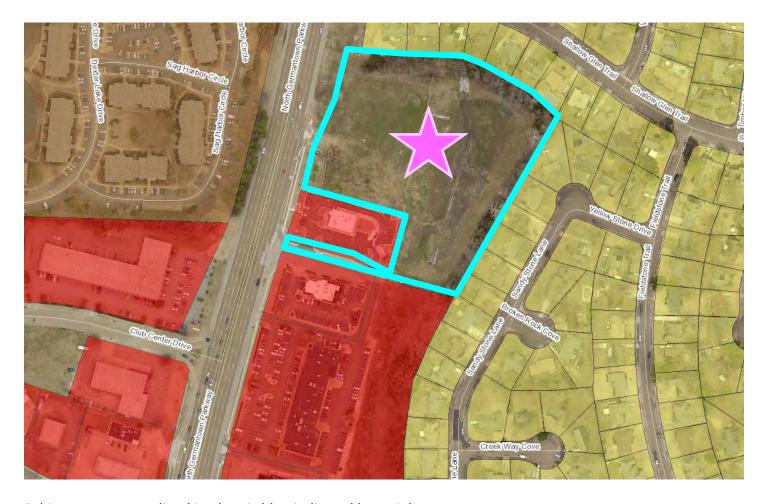
North: R-6

East: R-6

South: PD 87-352 and PD 04-309 with underlying RU-3

West: CA and CMU-2

LAND USE MAP



Subject property outlined in electric blue indicated by a pink star

SITE PHOTOS



View of the southeast corner of the subject property from North Germantown Parkway, looking northeast

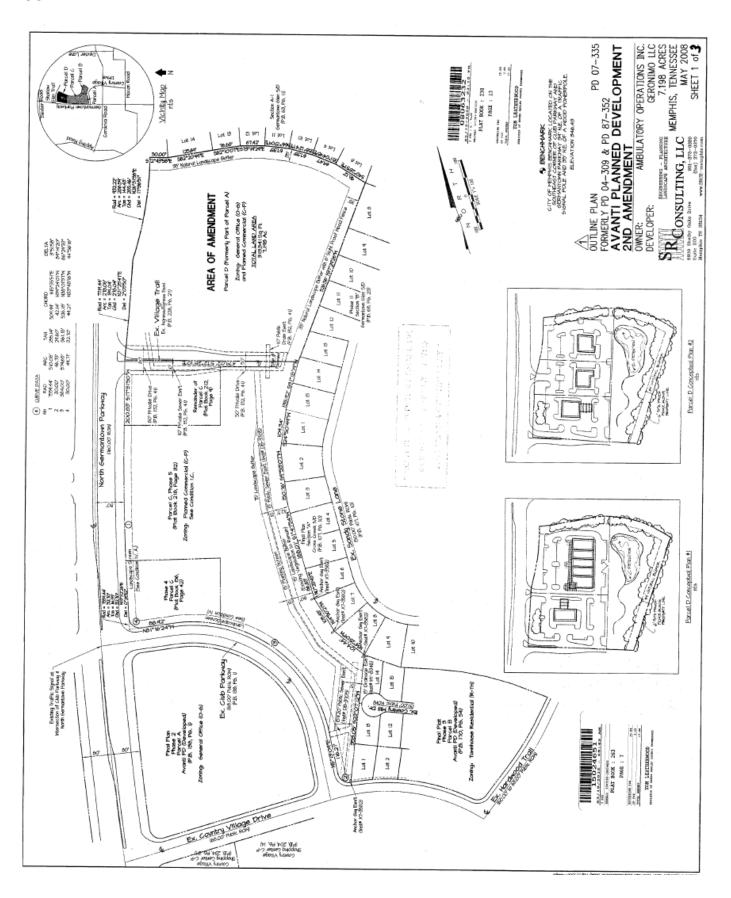


View of the center of the subject property from North Germantown Parkway, looking northeast

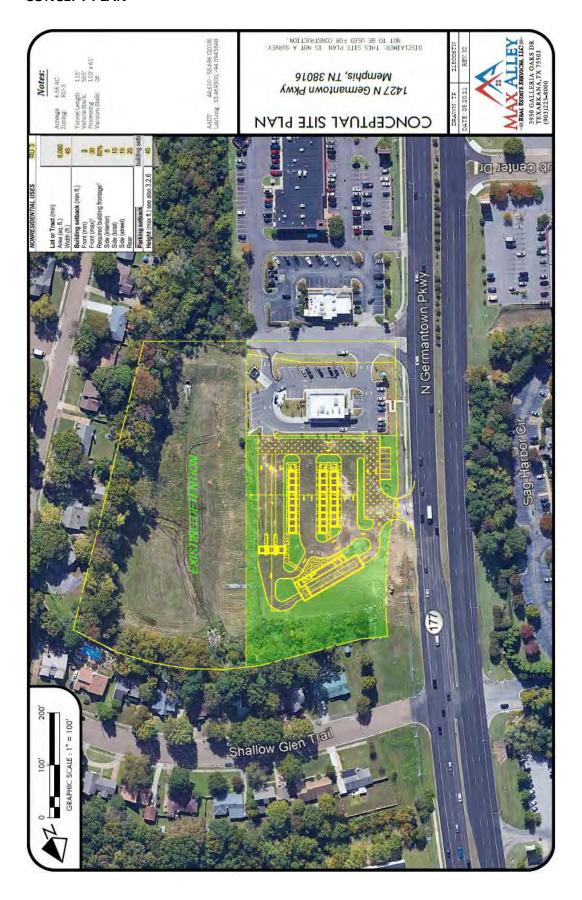


View of the northeast corner of the subject property from North Germantown Parkway, looking east

OUTLINE PLAN



CONCEPT PLAN



STAFF ANALYSIS

Request

The application, planned development general provisions, and letter of intent have been added to this report.

The request is for an amendment to the Avanti Planned Development to allow a vehicle wash establishment in Parcel D, which is located at the intersection of an arterial (North Germantown Parkway) and local (Shallow Glen Drive) road.

Applicability

Staff agrees the applicability standards and criteria as set out in Section 4.10.2 of the Unified Development Code are or will be met.

4.10.2 Applicability

The governing bodies may, upon proper application, grant a special use permit for a planned development (see Chapter 9.6) for a tract of any size within the City or for tracts of at least three acres in unincorporated Shelby County to facilitate the use of flexible techniques of land development and site design, by providing relief from district requirements designed for conventional developments, and may establish standards and procedures for planned developments in order to obtain one or more of the following objectives:

- A. Environmental design in the development of land that is of a higher quality than is possible under the regulations otherwise applicable to the property.
- B. Diversification in the uses permitted and variation in the relationship of uses, structures, open space and height of structures in developments intended as cohesive, unified projects.
- C. Functional and beneficial uses of open space areas.
- D. Preservation of natural features of a development site.
- E. Creation of a safe and desirable living environment for residential areas characterized by a unified building and site development program.
- F. Rational and economic development in relation to public services.
- G. Efficient and effective traffic circulation, both within and adjacent to the development site, that supports or enhances the approved transportation network.
- H. Creation of a variety of housing compatible with surrounding neighborhoods to provide a greater choice of types of environment and living units.
- I. Revitalization of established commercial centers of integrated design to order to encourage the rehabilitation of such centers in order to meet current market preferences.
- J. Provision in attractive and appropriate locations for business and manufacturing uses in well-designed buildings and provision of opportunities for employment closer to residence with a reduction in travel time from home to work.
- K. Consistency with the Memphis 3.0 General Plan.

General Provisions

Staff agrees the general provisions standards and criteria as set out in Section 4.10.3 of the Unified Development Code are or will be met.

4.10.3 General Provisions

The governing bodies may grant a special use permit for a planned development which modifies the applicable district regulations and other regulations of this development code upon written findings and recommendations of the Land Use Control Board and the Planning Director which shall be forwarded pursuant to provisions contained in this Chapter.

- A. The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.
- B. An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development.
- C. The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for structures, parking and loading areas or access way shall be landscaped or otherwise improved except where natural features are such as to justify preservation.
- D. Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest.
- E. Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements.
- F. Lots of record are created with the recording of a planned development final plan.

Commercial or Industrial Criteria

Staff agrees the additional planned commercial or industrial development criteria as set out in Section 4.10.5 of the Unified Development Code are or will be met.

4.10.5 Planned Commercial or Industrial Developments

Approval of a planned commercial or industrial development may be issued by the governing bodies for buildings or premises to be used for the retail sale of merchandise and services, parking areas, office buildings, hotels and motels and similar facilities ordinarily accepted as commercial center uses and those industrial uses which can be reasonably be expected to function in a compatible manner with the other permitted uses in the area. In addition to the applicable standards and criteria set forth in Section 4.10.3, planned commercial or industrial developments shall comply with the following standards:

A. Screening

When commercial or industrial structures or uses in a planned commercial or industrial development abut a residential district or permitted residential buildings in the same development, screening may be required by the governing bodies.

B. Display of Merchandise

All business, manufacturing and processing shall be conducted, and all merchandise and materials shall be displayed and stored, within a completely enclosed building or within an open area which is completely screened from the view of adjacent properties and public rights-of-way, provided, however, that when an automobile service station or gasoline sales are permitted in a planned commercial development, gasoline may be sold from pumps outside of a structure.

C. Accessibility

The site shall be accessible from the proposed street network in the vicinity which will be adequate to carry the anticipated traffic of the proposed development. The streets and driveways on the site of the proposed development shall be adequate to serve the enterprises located in the proposed development.

D. Landscaping

Landscaping shall be required to provide screening of objectionable views of uses and the reduction of noise. High-rise buildings shall be located within the development in such a way as to minimize any adverse impact on adjoining low-rise buildings.

Approval Criteria

Staff agrees the approval criteria as set out in Section 9.6.9 of the Unified Development Code are being met.

9.6.9 Approval Criteria

No special use permit or planned development shall be approved unless the following findings are made concerning the application:

- A. The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.
- B. The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations.
- C. The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or that the applicant will provide adequately for such services.
- D. The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance.
- E. The project complies with all additional standards imposed on it by any particular provisions authorizing such use.
- F. The request will not adversely affect any plans to be considered (see Chapter 1.9), or violate the character of existing standards for development of the adjacent properties.
- G. The governing bodies may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to insure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this development code.
- H. Any decision to deny a special use permit request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record, per the Telecommunications Act of 1996, 47 USC 332(c)(7)(B)(iii). The review body may not take into account any environmental or health concerns.

Site Description

The subject property is +/-6.56 acres located on the east side of North Germantown Parkway. The site is a part of PD 07-335 with the referenced underlying zoning of RU-3 and it is vacant land. There is an existing curb cut around the center of the site's frontage along North Germantown Parkway and the site contains a sprinkling of mature trees and has mature shrubs located roughly along its non-street frontage boundaries. The site is adjacent to the Residential Single-Family – 6 (R-6) District in the northeast.

Relevant Zoning Entitlements

On January 28, 2015, the Board of Adjustment approved an administrative appeal (Docket BOA 14-75) to permit a two-year time extension of the expired Outline Plan for the Avanti Planned Development (2nd Amendment); see pages 25-28 of this report for said notice of disposition. The action of the Board was officially memorialized on March 19, 2015, with the re-recording of the PD 07-3325 Outline Plan. A Final Plat for Parcel D was recorded on June 11, 2015.

Site Plan Review

- Vehicle wash establishment as a principal use is not permitted
- The site is located at the intersection of an arterial (North Germantown Parkway) and a local road (Shallow Glen Trail)
- The setbacks are met
- Total parking required 4, provided 6
- The landscape buffer has been altered
- A minimum of 60% of Area D appears to remain as open space

Relevant Unified Development Code Clauses

Sub-Section 2.6.3T requires any vehicle wash establishment constructed on or after January 1, 2019, to adhere to the locational requirements for convenience stores with gas pumps as articulated in Item 2.6.3J(1)(f).

Item 2.6.3J(1)(f) requires the issuance of a Special Use Permit for any convenience store with gas pumps constructed after January 28, 2013, or reactivated after one year of discontinuance, not located at the intersection of two arterials, an arterial and a collector or two collectors, according to the Long-Range Transportation Plan.

Consistency with Memphis 3.0

Staff uses the following criteria contained in Memphis 3.0 to determine consistency.

- The future land use planning map: The subject site is identified as Primarily Multifamily Neighborhood (NM) in the future land use planning map.
- 2. The land use category descriptions and graphic portrayals, including whether the proposed use is compatible with the zone districts listed in the zoning notes and the proposed building(s) fit the listed form and location characteristics:



Land use description & applicability:

Multifamily Neighborhoods are characterized by their house and block size buildings that are a combination of attached, detached, and semi-attached homes. These neighborhoods are major residential hubs that consist of apartment complexes and condominiums and located greater than a 10-

minute walk outside of the closest anchor.

"NM" Goals/Objectives:

Preservation/maintenance of existing multi-family housing

"NM" Form & Location Characteristics:

Attached, semi attached, and detached. House scale and some block style buildings. Primarily residential with mixed use encouraged along avenues, boulevards, and parkways as identified in the Street Types Map. 1-3 stories high. Beyond ½ mile from a community anchor.

The request for a vehicle wash establishment meets these criteria because it conforms to the form and location characteristics for NM areas. The Street Types Map identifies the street frontage at this location (North Germantown Parkway) as a Parkway. Though the goals and objectives for NM areas are primarily focused on the preservation and maintenance of existing multi-family housing, mixed use development is encouraged along Parkways. A vehicle wash establishment would broaden the existing mix of uses along the site's parkway frontage.

- 3. Existing, adjacent land uses and zoning: The subject site is surrounded by the following land uses: commercial and single- and multi-family residential. The subject site is surrounded by the following
 - zoning districts: RU-3 and CMU-2. The requested land use is compatible with these adjacent land uses and zoning districts because it will continue the pattern of moderate intensity commercial development along North Germantown Parkway.
- 4. The degree of change map: The subject site is undesignated in the degree of change map.
- 5. The degree of change descriptions: The degree of change descriptions are inapplicable to this request.



Based on these decision criteria this proposal is *consistent* with the Memphis 3.0 General Plan.

Conclusions

The applicant is requesting an amendment to the Avanti Planned Development to allow a vehicle wash establishment in Parcel D, which is located at the intersection of an arterial (North Germantown Parkway) and local (Shallow Glen Drive) road.

Automobile service uses, which includes vehicle wash establishments, as a principal use is not permitted by right in the outline plan conditions. Additionally, in accordance with Sub-Section 2.6.3T and Item 2.6.3J(1)(f) of the Unified Development Code (UDC), Special Use Permit approval is required for any vehicle wash establishment constructed after January 28, 2013, that is not located at the intersection of two arterials, an arterial and a collector, or two collectors.

The concept plan is in conformance with the outline plan conditions other than the width of the landscaping buffer which has been expanded (35 feet required, 89 feet provided) along the northern property line.

The subject property is currently vacant, and the lot redesign will create a more desirable layout that is consistent with the existing lots on North Germantown Parkway.

The location and arrangement of the structures, parking areas, walks, lighting and other service facilities are compatible with the surrounding land uses.

The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.

RECOMMENDATION

Staff recommends approval with the following site conditions and revisions to the outline plan conditions.

Site Conditions

- 1. Sidewalks, curb, and gutter shall be extended along the frontage of the site.
- 2. The vehicle wash structure shall be located no closer than 50 feet to the northern or eastern property lines.
- 3. The vehicle wash structure shall meet all applicable building envelope standards and shall not exceed a height of 20 feet or exceed an overall building dimension of 25 feet in width and 50 feet in length.
- 4. The vehicle wash structure shall be constructed of building materials consistent with that of the principal building, including the roof.
- 5. The doors of the vehicle wash building shall be architecturally compatible with the vehicle wash building and shall be fully closed when the facility is not in operation.
- 6. The vehicle wash facility shall not operate before 6 AM or after 10 PM.
- 7. The vehicle wash may not be utilized for any accessory uses not customary and incidental to convenience stores with gasoline sales, such as tire sales.

Outline Plan Conditions – Revisions

Proposed language is indicated in **bold, underline**; deletions are indicated in **bold strikethrough**.

- I. Uses Permitted:
 - A. Parcel A: Any use permitted by right or administrative site plan approval in the General Office (O-G) District with the following uses prohibited:

Group Shelter
Transitional home
Automobile service station
Gasoline sales

Page 18

General service and repair shop

Lawn, tree or garden service

Restaurant with drive through window

Drive-in restaurant

Pawn Shop

Used goods, second hand sales

Vehicle wash

Veterinary clinic

- B. Parcel B: Any use permitted by right and by administrative site plan review in the Townhouse Residential (R-TH) District.
- C. Parcel C: Uses in accordance with the Planned Commercial (C-P) District with the following uses prohibited.

Group Shelter

Transitional home

General service and repair shop

Lawn, tree or garden service

Pawn Shop

Used goods, second hand sales

Vehicle wash

Veterinary clinic

D. Parcel D: Uses in accordance with the Planned Commercial (C-P) District with the following uses prohibited.

Group Shelter

Transitional home

General service and repair shop

Lawn, tree or garden service

Pawn Shop

Used goods, second hand sales

Vehicle wash

Veterinary clinic

Automobile service station, except for a full- or self-service vehicle wash establishment, which

is permitted

Gasoline sales

- II. Bulk Regulations:
 - A. A maximum floor area of .25 FAR shall be permitted on the site excluding dedicated rights-of-way.
 - B. Parcel A: The bulk regulations of the General Office (O-G) District shall apply with the following exceptions:
 - 1. Maximum building height shall be 35 feet, excluding penthouses.
 - 2. All building within 120 feet of the west and south boundary lines shall be designed to provide a residential appearance and shall use the same external building materials in the front and rear.
 - C. Parcel B: The bulk regulations of the Townhouse Residential (R-Th) District shall apply with the following exceptions:

A maximum of ten (10) dwelling units per acre shall be permitted.

- D. Parcels C and D: The bulk regulations of the General Office (O-G) District and Planned Commercial (C-P) District shall apply with the following exceptions:
 - 1. Maximum building height shall be thirty-five (35) feet, excluding penthouses.
 - 2. The commercial land use shall be developed as illustrated on the conceptual plans.

III. Access and Circulation:

- A. One right-in-right out only private drive shall be permitted to intersect N. Germantown Parkway north of Club Parkway. No median openings shall be permitted on N Germantown Parkway.
- B. Improve Country Village Drive as a commercial collector with curb, gutter, and sidewalk according to the Subdivision Regulations. Allow one road connection to Country Village Drive.
- C. Allow one public street access to N. Germantown Parkway dedicated to commercial collector width sixty-eight (68') feet and aligned opposite the intersection of Club Parkway.
- D. All private drives to be constructed to meet City Standards and provide a minimum pavement width of 22 feet exclusive of curb and gutter.
- E. Internal circulation between all phases/sections/lots is required.
- F. Parking shall be provided in accordance with Section 28 of the Zoning Ordinance.
- G. Two (2) right-in, right-out only curb cuts shall be permitted along N. Germantown Parkway.
- H. Dedicate eighty (80) feet from the centerline of N. Germantown Parkway and improve in accordance with the Subdivision Regulations.
- I. One curb cut for Parcel 'D' shall be permitted along N. Germantown Parkway.

IV. Landscaping and Screening:

- A. Landscaping shall be provided along N. Germantown Parkway consistent with the landscaping of the existing office parcel on the south, including landscaped corners at the intersections. Plant materials shall be consistent with or compliment landscaping of the office parcel to the south if allowed by utilities subject to the approval of the Office of Planning and Development.
- B. The remainder of the perimeter shall be landscaped as follows:
 - 1. There shall be a 75-foot buffer along the east and southeast boundary lines with all existing vegetation remaining and an additional 15-foot planting screen provided within the buffer.
 - 2. There shall be a thirty-five (35) foot 'Natural Landscape Buffer' in parcel 'D' to include a sight-proof wood fence six (6) feet in height along the entire length of the north and east boundary lines with all existing vegetation remaining.
- C. Internal landscaping shall be provided at a ratio of 300 square feet of landscaped area and one shade tree per every 20 parking spaces.
- D. Existing trees shall be preserved wherever feasible.
- E. All required landscaping and screening shall not conflict with any easements including overhead wires.
- F. Equivalent landscaping may be substituted for that required above, subject to the approval of the Office of Planning and Development.
- G. Air conditioning, heating, ventilation or other mechanical equipment including that located on roofs which is visible from an adjacent street or residential lot shall be screened with the use of architectural features of the building or by other means.
- H. Utility features such as electrical wiring, conduit and meters shall also be screened using architectural features or landscaping.

- I. Maximum height of light standards shall be twenty-five (25) feet. Lighting shall be directed so as to not glare onto residential property.
- J. Refuse containers shall be completely screened from view from adjacent residential property.
- K. A detailed landscape and site lighting plan shall be approved by the Office of Planning and Development that the development is in conformance with the approved landscaping and site lighting plan.

V. Signs

- A. Parcel A: Signs shall be regulated in accordance with the requirements of the O-G District
- B. Parcel B: Signs shall be regulated in accordance with the requirements of the R-TH District
- C. Parcel C: Signs shall be regulated in accordance with the requirements of the C-P District
- D. All signs shall be set back a minimum of 15 feet from the street right-of-way.
- E. Portable signs are prohibited.
- F. Parcel D: Signs shall be regulated in accordance with the requirements of the O-G and C-P District.

VI. Drainage:

- A. Drainage Improvements, including on-site detention, shall be provided under a Standard Subdivision contract in accordance with Subdivision Regulations and the City of Memphis Drainage Design Manual.
- B. Drainage data for assessment of on-site detention requirements shall be submitted to and approved by the City Engineer.
- C. The developer should be aware of his obligation under 40 CFR 122.26(b)(14) and TCA 69-3-101 et. seq. to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of storm water associated with the clearing and grading activity on this site.
- D. All drainage plans shall be submitted to the City Engineer for review and approval.
- E. All drainage emanating on-site shall be private. Easement shall not be accepted.
- F. In addition to providing necessary site drainage improvements, a pro-rata of the required downstream improvements will be assessed based on the portion of the project site to the total basin area.
- G. The project must be evaluated by the Tennessee Department of Health and Environment regarding their jurisdiction over the watercourses on this site in accordance with the Water Quality Control Act of 1971 as amended (TCA 69-3-101 et seq).
- VII. The Land Use Control Board may modify the bulk, access, parking, landscaping, screening, signs, and other site requirements if equivalent alternatives are presented; provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder may, within ten days of such action file a written appeal to the director of the Office of Planning and Development, to have such action reviewed by the Memphis City Council.
- VIII. Site Plan Review by the Office of Planning and Development
 - A. A site plan shall be submitted for the review, comment, and recommendation of the Office of Planning and Development prior to approval of any final plan.
 - B. The site plan shall illustrate the location and dimensions of building footprints, parking lots, private drives, building elevations, landscaping and screening plans.
 - C. The site plan shall be reviewed and based upon the following criteria:
 - 1. Conformance with the Outline Plan Conditions and the standards and criteria for commercial planned developments contained in the Zoning Ordinance and Subdivision Regulations
 - 2. Adequacy of public facilities (streets, sewers, drainage, etc.)

- 3. Elements of site design such as building orientation and setback, access and parking, internal vehicular and pedestrian circulation, landscaping and lighting.
- 4. Consistency between buildings in regard to building elevations and materials.
- IX. A final plan shall be filed within five (5) years of the approval of the Outline Plan, or the Outline Plan shall be deemed expired. The Land Use Control Board may grant extensions at the request of the applicant.
- X. Any final plan shall include the following:
 - A. The Outline Plan conditions
 - B. A standard subdivision contract as defined by the Subdivision Regulations for any needed public improvements.
 - C. The exact location and dimensions including height of buildings, parking areas, utility easements, drives, trash receptacles, loading facilities, and required landscaping and screening areas.
 - D. A rendering including plan view and elevation of any proposed development identification signs showing the height, dimensions, and design thereof.
 - E. The number of parking spaces
 - F. The location and ownership, whether public or private, of any easement.
 - G. If applicable, a statement conveying all common facilities and areas to a property owners' association or other entity for ownership and maintenance purposes.
 - H. Building illustrations are required by condition II.B.2.
 - I. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by 'Reserved for Storm Water Detention' shall not be used as a building site or filled without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City and/or County Engineer's Office. Such maintenance shall include, but not be limited to: removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning and repair of drainage structures.

DEPARTMENTAL COMMENTS

The following comments were provided by agencies to which this application was referred:

City/County Engineer:

8. Standard Subdivision Contract or Right-Of-Way Permit as required in Section 5.5.5 of the Unified Development Code.

Sewers:

- 9. The availability of City sanitary sewer is unknown at this time. Once the developer has submitted proposed sewer discharge rates to the City's Sewer Design Dept, a determination can be made as to available sewer capacity.
- 10. All sewer connections must be designed and installed by the developer. This service is no longer offered by the Public Works Division.
- 11. This site is located in the Fletcher Creek Sewer Basin. The developer will have to apply for a sewer connection permit letter from the Director of Public Works. If approved, the developer will likely have to install an on-site storage tank with off-peak discharge capabilities.

Roads:

- 12. The Developer shall be responsible for the repair and/or replacement of all existing curb and gutter along the frontage of this site as necessary.
- 13. All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA compliance. The developer shall be responsible for any reconstruction or repair necessary to meet City standards.
- 14. Sidewalks, curb, and gutter shall be extended along the frontage of this property.

Traffic Control Provisions:

- 15. The developer shall provide a traffic control plan to the city engineer that shows the phasing for each street frontage during demolition and construction of curb gutter and sidewalk. Upon completion of sidewalk and curb and gutter improvements, a minimum 5 foot wide pedestrian pathway shall be provided throughout the remainder of the project. In the event that the existing right of way width does not allow for a 5 foot clear pedestrian path, an exception may be considered.
- 16. Any closure of the right of way shall be time limited to the active demolition and construction of sidewalks and curb and gutter. Continuous unwarranted closure of the right of way shall not be allowed for the duration of the project. The developer shall provide on the traffic control plan, the time needed per phase to complete that portion of the work. Time limits will begin on the day of closure and will be monitored by the Engineering construction inspectors on the job.
- 17. The developer's engineer shall submit a Trip Generation Report that documents the proposed land use, scope and anticipated traffic demand associated with the proposed development. A detailed Traffic Impact Study will be required when the accepted Trip Generation Report indicates that the number for projected trips meets or exceeds the criteria listed in Section 210-Traffic Impact Policy for Land Development of the City of Memphis Division of Engineering Design and Policy Review Manual. Any

required Traffic Impact Study will need to be formally approved by the City of Memphis, Traffic Engineering Department.

Curb Cuts/Access:

- 18. No additional curb cuts or median breaks will be allowed.
- 19. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.

Drainage:

- 20. A grading and drainage plan for the site shall be submitted to the City Engineer for review and approval prior to recording of the final plat.
- 21. Drainage improvements, including on-site detention, shall be provided under a Standard Subdivision contract in accordance with Unified Development Code and the City of Memphis/Shelby County Storm Water Management Manual. This development is located in a sensitive drainage basin (Fletcher Creek).
- 22. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.
- 23. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City and/or County Engineer's Office. Such maintenance shall include, but not be limited to removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.
- 24. The developer should be aware of his obligation under 40 CFR 122.26(b)(14) and TCA 69-3-101 et. seq. to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of storm water associated with the clearing and grading activity on this site.

City/County Fire Division:

- All design and construction shall comply with the 2015 edition of the International Fire Code (as locally amended) and referenced standards.
- Fire apparatus access shall comply with section 503. Where security gates are installed that affect required fire apparatus access roads, they shall comply with section 503.6 (as amended).
- Fire protection water supplies (including fire hydrants) shall comply with section 507.
- Where fire apparatus access roads or a water supply for fire protection are required to be installed, such
 protection shall be installed and made serviceable prior to and during the time of construction except
 when approved alternate methods of protection are provided.
- A detailed plans review will be conducted by the Memphis Fire Prevention Bureau upon receipt of complete construction documents. Plans shall be submitted to the Shelby County Office of Code Enforcement.

City Real Estate: No comments received.

City/County Health Department: No comments received.

Staff Report July 8, 2021 PD 21-24 Page 24

Shelby County Schools:

Construction Code Enforcement:

Memphis Light, Gas and Water:

No comments received.

No comments received.

No comments received.

No comments received.

BOA 14-75 – NOTICE OF DISPOSITION



MEMPHIS AND SHELBY COUNTY BOARD OF ADJUSTMENT

CITY HALL125 NORTH MAIN STREET-SUITE 468 MEMPHIS, TENNESSEE 38103-2084 (901)576-6619

February 4th, 2015

1427 N. Germantown Parkway, LLC 1400 N. Germantown Parkway, #102 Cordova, TN 38016

RE:

DOCKET #: B.O.A. 14-75 (City)

LOCATION:

East side of Germantown Parkway, 150 feet south of Shallow Glen Trail (Avanti North Planned Development, 2nd Amendment – PD 07-335)

Dear Applicant:

On Wednesday, January 28th, 2015, the Memphis and Shelby County Board of Adjustment (BOA) approved your appeal of the Administrative Decision of the Planning Director's interpretation that an expired planned development is not eligible for a time extension in reference to the expiration of PD 07-335 (the Avanti North Planned Development, 2nd Amendment) based on Sub-Section 9.6.14A and Chapter 9.16 of the Unified Development Code.

The approval of the Board is good for two years from the date of their approval. To memorialize the approval of the Board in reference to documentation relating to the Avanti North Planned Development, 2nd Amendment, please submit the Outline Plan currently recorded in Plat Book 238, Page 13 at the Shelby County Register's Office to this office for re-recording. The Outline Plan should contain the following statement:

Office of Planning and Development Re-recording Certificate

This Outline Plan is being re-recorded to reflect the action of the Board of A	Adjustment on 01/28/15 which
approved the appeal of 1427 N. Germantown Parkway, LLC to permit a time ex	tension of the Outline Plan for
two additional years from the date of their approval.	

OPD Director	Date

Please include on the Outline Plan re-recording an Owner's Certificate and Notary's Certificate acknowledgement for the owner. To initiate the Outline Plan re-recording, please provide to me a PDF of the modified Outline Plan so I can check the changes. Once I approve your changes, you will provide me with the Outline Plan mylars and two paper copies of the mylars with a check for \$17 payable to the Shelby County Register. The Outline Plan will then be signed by the Planning Director and delivered to the Register's Office for re-recording. Once re-recorded, you have two years to complete the submittal, approval, and recording of a final plat prior to the expiration of the Outline Plan.

BOA 14-75 1427 N. Germantown Parkway, LLC 02/04/15 Page 2

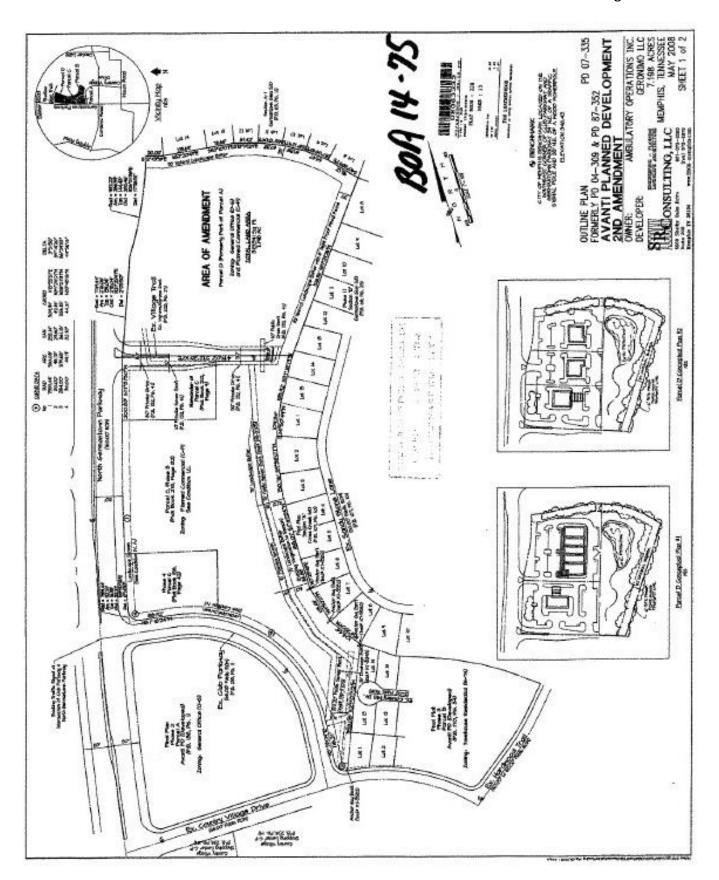
You may reach me by phone at (901) 576-6619 or by e-mail at chip.saliba@memphistn.gov should you need further information.

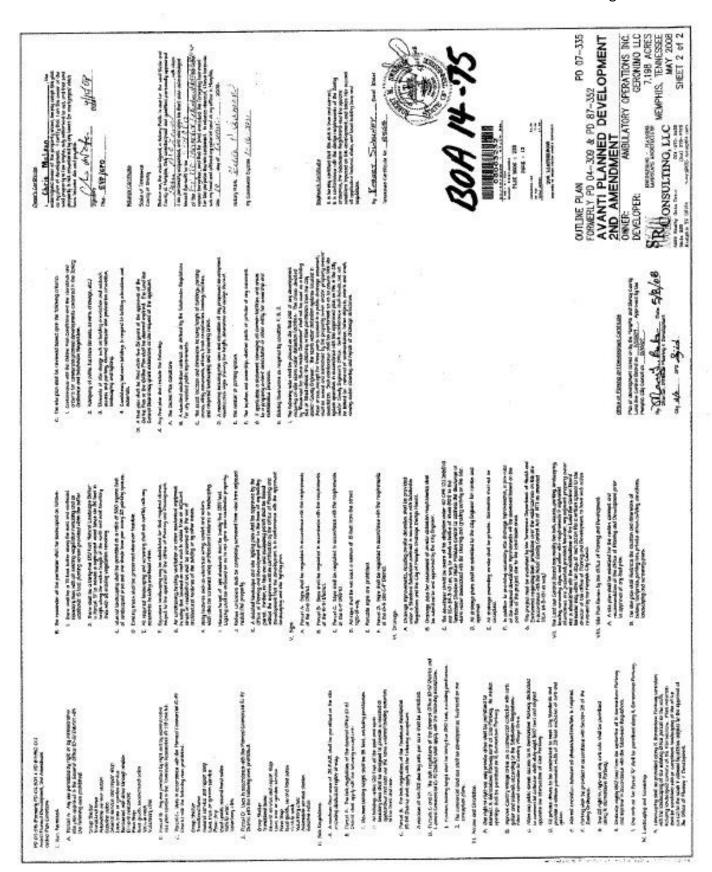
Sincerely,

Manon K. Sily fr. Norman R. Saliba, Jr. Land Use Controls Manager

cc: Cory Brady, Renaissance Group

Attachment: Avanti Planned Development, 2nd Amendment Outline Plan (Plat Book 238, Page 13)





APPLICATION



Memphis and Shelby County Office of Planning and Development CITY HALL 125 NORTH MAIN STREET-SUITE 468 MEMPHIS, TENNESSEE 38103-2084 (901) 576-6601

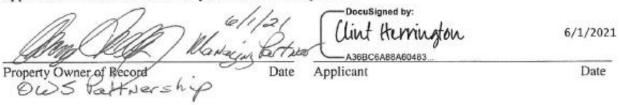
APPLICATION FOR PLANNED DEVELOPMENT APPROVAL (OUTLINE PLAN APPROVAL/OUTLINE PLAN AMENDMENT)

Date: June 1, 2021	Case	#:	
	PLEASE TYPE C	DR PRINT	
Name of Development: Avanti PD	3rd Amendment Parcel D		
Property Owner of Record: OWS	Partnership	Phone #:	
Mailing Address: 5858 Ridgeway	Center Pkwy	City/State: Memphis, TN	Zip 38120
Property Owner E-Mail Address:			
Applicant:		Phone #	
Mailing Address:			Zip
Applicant E- Mail Address:			
Representative: \$3 Consulting, LL	C (Cindy Reaves)	Phone #: 90	01-373-0380
Mailing Address; 5909 Shelby Oak	s Drive, Suite 200	City/State: Memphis. TN	Zip 38134
Representative E-Mail Address: g	indy@srce-memphis.com	-403	
Engineer/Surveyor: SR Consulting	LLC	Phone # 901	-373-0380
Mailing Address: 5909 Shelby Oaks	Drive, Suite 200	City/State: Memphis. TN	Zip 38134
Engineer/Surveyo: E-Mail Addres	s; cindy@srce-memphis.com		
Street Address Location: 1427 Ger	mantown Parkway		
Distance to nearest intersecting str	eet; 146'= to centerline of Sha	dlow Glen Trail	
Area in Acres: Existing Zoning: Existing Use of Property Requested Use of Property	Parcel 1 6.56 PD Vacant & Detention Commercial	Parcel 2 Parc	cel 3
Medical Overlay District: Per Se Overlay District.	ection 8.2,2D of the UDC, 1	no Planned Developments are p	ermitted in the Med
Unincorporated Areas: For reside following information:	lential projects in unincor	porated Shelby County, pleas	se provide the
Number of Residential Un	its:	Bedrooms.	
Expected Appraised Value	per Unit:	or Total Project:	

To allow a car wash not located at the intersection of 2 streets.	

Description of and justification for request. For time extensions provide reasons necessitating extensions and

I (we) hereby make application for the Correspondence Case described above and on the accompanying materials. I (we) accept responsibility for any errors or omissions which may result in the postponement of the application being reviewed by the Memphis & Shelby County Land Use Control Board at the next available hearing date. I (We), owner(s) of the above described property hereby authorize the filing of this application and the above named persons to act on my behalf.



SIGN POSTING: A sign or signs shall be erected on-site no more than 30 days or less than 10 days prior to the date of the Land Use Control Board hearing for any Major Modification. See Sub-Section 9.3.4C of the UDC for further details on sign posting.

REQUIRED MAJOR MODIFICATIONS: The following items shall be deemed as Major Modifications to an approved Planned Development Outline Plan:

- A. Any revision to an Outline Plan that involves adding uses of a higher classification. Note: Adding uses of a lower classification will require the submittal of an Outline Plan Amendment. See Sub-Section 10.2.5B of the UDC for more information on higher and lower classifications.
- B. Any extension of the expiration date of an Outline Plan, provided the expiration date has not passed (see Sub-Section 9.6.14A).
- C. Any filing of a Final Plan in a Planned Development that was approved more than five years prior to the filing date and where the Outline Plan contains no expiration provisions.
- D. Any final plan that provides for more density than is permitted under the approved Outline Plan, unless the Outline Plan explicitly allows for such additional density (see Item 9.6.11D(3)(a) of the UDC).
- E. Any modification to the orientation of buildings as shown on the Outline Plan or the Outline Plan's Concept Plan that exceeds the following (see Item 9.6.11D(3)(c) of the UDC):
 - 1. 25 feet for final plans of two or less acres;
 - 2. 50 feet for final plan of more than two but less than eight acres;
 - 3. 100 feet for final plans of eight acres but than 20 acres; and
 - 4. 150 feet for final plans of 20 acres or more.

Amendment(s): Is the applicant and it c	
Amendment(s): Is the applicant applying for an amendment t	o an existing Planned Development?
Yes	✓ No

The following modifications to existing planned developments are considered amendments: 1) a change to the permitted uses in a planned development, except in situations where a use of a higher classification is proposed to be changed to ε use of a lower classification; 2) a modification to conditions that phases the uses, and 3) a conversion of public streets. See Section 9.6.11E(1) of the UDC for further details.

4.10.3 Planned Development General Provisions

The governing bodies may grant a special use permit for a planned development which modifies the applicable district regulations and other regulations of this development code upon written findings and recommendations to the Land Use Control Board and the Planning Director which shall be forwarded pursuant to provisions contained in section 4.10.3:

Please address each sub-section below (Provide additional information on a separate sheet of paper if

- · The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.
 - This development will be consistent with similar surrounding developments.
- An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development.
 - Adequate facilities will be designed for this development and will tie to existing facilities.
- The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses... (see UDC sub-section 4.10.3C) The service facilities will be in accordance with the planned development requirements.
- Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest.
 - The proposed development will be consistent with similar surrounding developments.
- Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements.
 - The property owner will maintain common areas.
- Lots of records are created with the recording of a planned development final plan. A final plat will be recorded.

LETTER OF INTENT

ENGINEERING • PLANNING
ONSULTING, LLC
5909 Shelby Oaks Drive
Suite 200
Fax: 901-373-0370

www.SRCE-memphis.com

Memphis TN 38134

Date: June 1, 2021

To: Office of Planning & Development

From: Cindy Reaves

Re: Avanti PD 2nd Amendment, Parcel D

Job #:

LETTER OF INTENT

We are submitting an application for a PD Amendment to Avanti PD 2nd Amendment, Parcel D, located at 1427 Germantown Parkway between Club Parkway and Shallow Glen Trail. We are requesting to allow a Glide Xpress Vehicle wash use in Parcel D. We would also need approval for it to not be located at the intersection of 2 streets. We have been very sensitive to the surrounding neighbors in preparation of our site plan and have a lot of open space and separation that will enhance our site.

Glide Xpress is not just a typical car wash like everyone is use to and they aren't even like the new car washes being built now. Their philosophy and team member culture is based on providing people the best experience and value possible. They know if they give great value to everyone and be kind, it will be successful. They have proven this with their first 4 washes being homeruns. They have approval for 2 more new locations in Collierville and Southaven. Educating the Towns on Glide and what they are about...which was well received to say the least!

They also have an existing wash that recently opened at 723 Germantown Parkway and has been a huge success. It is a pleasure to work with someone so passionate about their business and I know it will be a great amenity for the neighborhood.

Below are a few key points the Glide Xpress owner, Clint Herrington, would like to add that separate them from the car wash stereotype and most other businesses:

Value: Unlike most other businesses, we are high quality and low prices. We provide
people with the top industry-leading equipment and building design while offering a low
price... 200%+ discount compared to all the Zips, Car Wash USA's and Century Wash's in
the area. We price this way because everyone takes pride in a clean car and a clean
space and we want everyone to be able to have that opportunity. The person with a 15
year old car coming in next to the brand new Mercedes, both feel like they are getting
value for something and are happy. This type of relationship doesn't exist that much in

the world today and we think this is important. We could increase the price 200%, still be the cheapest in town and wash cars and really increase revenue but that's not what we are set out to do.

Our project will cost around \$6 million and that is partly because we have the best equipment from all over the world and it truly makes for a one-of-a-kind experience. We also spare no expense on experience and the design of our layouts, vacuum areas, canopies and architectural design. We treat people to the experience that we would want and people notice!

- 2. Investing in great people, building a culture: We want our team members to be motivated and enjoy working and see value in the effort they put in every day. We promote from within and every manager we have in our entire company since the first hire has been promoted from within. We pay above minimum wage for our entry level positions and have a bonus structure throughout the company...giving everyone motivation to treat this place like it's their own and get rewarded for hard work. This isn't an easy, slow paced job either and requires lots of training.
- 3. Clean, inviting, well-lit property: it's important to us that we keep our property clean and safe. We typically have 18 spacious covered vacuum stalls with trash receptacles at each stall. We pick up trash and clean the parking lot daily and want our community to know that we will keep our sites clean of trash. We also power wash our parking lots every year and as needed. We have 25 security cameras around the property at all our washes and keep our parking lots well lit with city approved dark-sky compliant lights.
- 4. New technology and looking toward the future: We have our own cleaning products that are environmentally-friendly and we feature our RIDE THE GLIDE™ moving floor system. All you have to do is drive on to the dual conveyor and it moves...no more lining up you wheels on the track. This makes it easier for people to load and less stress of lining up your tire correctly. We also have license plate readers that allow single wash customers and member to come to the wash hands free without even rolling down the window. We have noise cancelling blower and vacuum technology that keeps the car wash operations relatively quiet and sounds doesn't protrude into neighboring businesses or neighborhoods. We are working to wash driverless cars as well and already implementing that into our washes. We are always thinking about where we are headed, not where we are.
- 5. Community Involvement: Not only is it our goal to provide the greatest car wash experience to all our customers, we also want to make a lasting impact in the community and help people. We are a small local business that will be involved in this community to make a difference. We want to help our team members grow and we also want to help the community grow in the best capacity we are fit for. We are working on some new ideas but have several programs that we currently offer including:
 - We wash all police cars for free...always. We support the good police officers that keep our community safe and together;
 - We will team up with local neighborhood schools to help them fundraise for special school programs;
 - c. On Veterans Day we will wash all Veterans cars for free;

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We are not like any other car wash in this aren and our philosophy and strategy are unlike any we have seen in in the US. We opened our 4th car wash in Cordova last week as mentioned above and start construction in May at locations in Collierville and Southaven. If given the opportunity, I know we will develop the best express car wash in Tennessee and one of the best express car washes in the world.

We greatly appreciate your consideration in this matter.

We appreciate your support with this request. Please contact me if you have any questions.

Thank you,

Cindy Reaves O SR Consulting, LLC

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County State of Tennessee

I, Raphael Shivers, being duly sworn, depose and say that at 1:47 pm on the 24th day of June, 2021 I posted one Public Notice Sign pertaining to Case No. PD 2021-24 in front of the property located at 1427 Germantown Parkway providing notice of a Public Hearing before the July 8, 2021 Land Use Control Board for consideration of a proposed Land Use Action (Planned Development), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

Owner, Applicant or Representative

06/25/2021

Date

Subscribed and sworn to before me this 25 day of June , 2021

Notary Public

My commission expires: _

TENNESSEE NOTARY PUBLIC BY COUNTY



LETTERS RECEIVED

No letters were received at the time of completion of this report.

ENGINEERING . PLANNING

5909 Shelby Oaks Drive Tel: 901-3

Fax: 901-373-0370 www.SRCE-memphis.com

Date: June 1, 2021

To: Office of Planning & Development

From: Cindy Reaves

Re: Avanti PD 2nd Amendment, Parcel D

Job #:

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Suite 200

Memphis TN 38134

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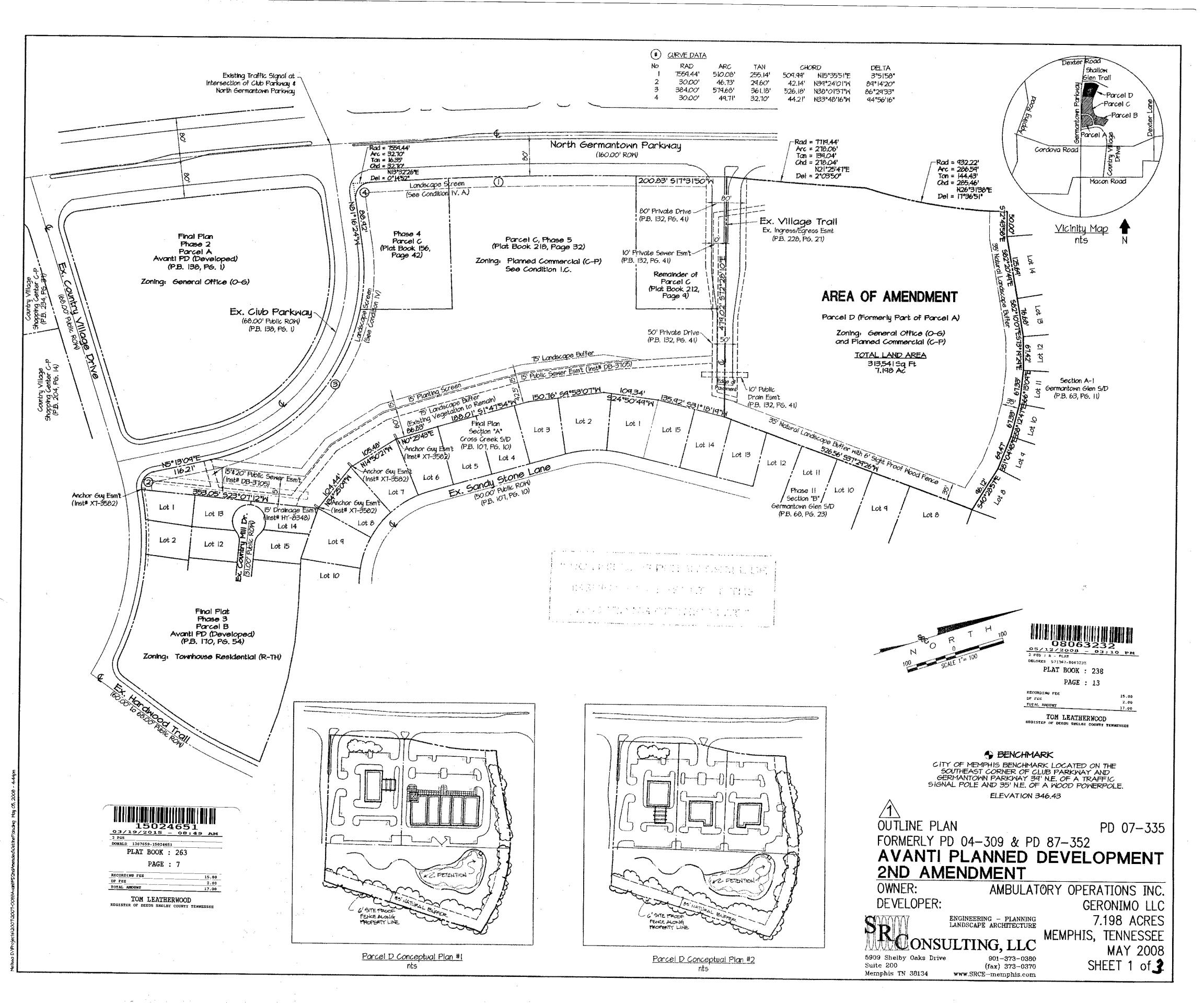
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We appreciate your support with this request. Please contact me if you have any questions.

Thank you,

Cindy Reaves O SR Consulting, LLC



PD 01-335 (Formerly PD 04-309 & PD 81-352 CC) Avanti Pianned Development, 2nd Amendment Outline Plan Conditions

- 1. Uses Permitted:
- A. Farcel A: Any use permitted by right or by administrative site plan approval in the General Office (0-6) District with the following uses prohibited:

Group Shelter Transitional home Automobile service station Gasoline sales General service and repair shop Lawn, tree or garden service Restaurant with drive through window Drive-in restaurant Pawn Shop Used goods, second hand sales Vehicle wash Voterinary clinic

- 13. Parcel B: Any use permitted by right and by administrative site plan review in the Townhouse Residential (R-TH) District.
- C. Parcel C: Uses in accordance with the Planned Commercial (C-P) District with the following uses prohibited.

Group Shelter Transitional home General service and repair shop Lawn, tree or garden service Pawn Shop Used goods, second hand sales Vehicle mash Veterinary clinic

D. Parcel D: Uses in accordance with the Planned Commercial (C-P) District with the following uses prohibited.

Group Shelter Transitional home General service and repair shop Lawn, tree or garden service Parin Shop Used goods, second hand sales Vehicle wash Veterinary clinic Automobile service station Gasoline sales

11. Bulk Regulations:

- A. A maximum floor area of .25 F.A.R. shall be permitted on the site excluding dedicated rights-of-way.
- B. Parcel A. The bulk regulations of the General Office (0-6) District shall apply with the following exceptions:
- 1. Maximum building height shall be 35 feet, excluding penthouses.
- 2. All buildings within 120 feet of the east and south boundary lines shall be designed to provide a residential appearance and shall use the same external building materials in the front and rear.
- C. Farcel B: The bulk regulations of the Townhouse Residential (R-TH) District shall apply with the following exceptions:

A maximum of ten (10) dwelling units per acre shall be permitted.

- D. Purcels G and D: The bulk regulations of the General Office (0-6) District and I canned Commercial (C-P) District shall apply with the following exceptions:
- 1. Maximum building height shall be thirty-five (35') feet, excluding penthouses.
- 2. The commercial land use shall be developed as illustrated on the conceptual plans.

111. Access and Circulation:

- A. One right-in right-out only private drive shall be permitted to intersect N. Germantown Parkway north of Club Parkway. No median openings shall be permitted on N. Germantown Parkway.
- B. Improve Country Village Drive as a commercial collector with curb, gutter and sidemalk according to the Subdivision Regulations. Allow one road connection to Country Village Drive.
- C. Allow one public street access to N. Germantown Parkway dedicated to commercial collector width sixty-eight (68') feet and aligned opposite the intersection of Club Parkway.
- D. All private drives to be constructed to meet City Standards and provide a minimum pavement width of 22 feet exclusive of curb and
- E. Internal circulation between all phases/sections/lots is required.
- F. Parking shall be provided in accordance with Section 28 of the Zoning Ordinance.
- 6. Two (2) right-in, right-out only curb cuts shall be permitted along N. Germantown Parkway.
- H. Dedicate eighty (80) feet from the centerline of N. Germantown Parkway and improve in accordance with the Subdivision Regulations.
- 1. One curb cut for Parcel 'D' shall be permitted along N. Germantown Parkway.

IV. Landscaping and Screening:

A. Landscaping shall be provided along N. Germantown Parkway consistent with the landscaping of the existing office parcel on the south, including landscaped corners at the intersections. Plant materials shall be consistent with or compliment landscaping of the office parcel to the south if allowed by utilities subject to the approval of the Office of Planning & Development.

- B. The remainder of the perimeter shall be landscaped as follows:
- 1. There shall be a 75 foot buffer along the east and southeast boundary lines with all existing vegetation remaining and an additional 15 foot planting screen provided within the buffer.
- 2. There shall be a thirty-five (35) foot 'Natural Landscope Buffer' In Parcel 'D' to include a sight-proof wood fence six (6) feet in height along the entire length of the north and east boundary lines with all existing vegetation remaining.
- C. Internal landscaping shall be provided at a ratio of 300 square feet of landscaped area and one shade tree per every 20 parking spaces.
- D. Existing trees shall be preserved wherever feasible.
- E. All required landscaping and screening shall not conflict with any easements including overhead wires.
- F. Equivalent landscaping may be substituted for that required above, subject to the approval of the Office of Planning and Development.
- 6. Air conditioning, heating, ventilation or other mechanical equipment including that located on roofs which is visible from an adjacent street or residential lot shall be screened with the use of architectural features of the building or by other means.
- H. Utility features such as electrical wiring, conduit and meters shall also be screened using architectural features or landscaping.
- 1. Maximum height of light standards shall be twenty-five (25') feet. Lighting shall be directed so as to not glare onto residential property.
- J. Refuse containers shall be completely screened from view from adjacent residential property.
- K. A detailed landscape and site lighting plan shall be approved by the Office of Planning and Development prior to the issue of any building permit. Further, no final use and occupancy permit shall be issued without the express written certification by the Office of Planning and Development that the development is in conformance with the approved landscaping and site lighting plan.

- A. Parcel A: Signs shall be regulated in accordance with the requirements of the O-6 District.
- B. Parcel B: Signs shall be regulated in accordance with the requirements of the R-TH District.
- C. Parcel C: Signs shall be regulated in accordance with the requirements of the C-P District.
- D. All signs shall be set back a minimum of 15 feet from the street right-of-way,
- E. Portable signs are prohibited.
- F. Parcel D: Signs shall be regulated in accordance with the requirements of the O-G and C-P District.

VI. Drainage:

- A. Drainage improvements, including on-site detention, shall be provided under a Standard Subdivision contract in accordance with Subdivision Regulations and the City of Memphis Drainage Design Manual.
- B. Drainage data for assessment of on-site detention requirements shall be submitted to and approved by the City Engineer.
- C. The developer should be aware of his obligation under 40 CFR 122.26(b)(14) and TCA 69-3-101 et. seq. to submit a Notice of Intent (NO1) to the Ternessee Division of Water Pollution Control to address the discharge of storm water associated with the clearing and grading activity on this site.
- D. All drainage plans shall be submitted to the City Engineer for review and
- E. All drainage emanating on-site shall be private. Easements shall not be accepted.
- F. In addition to providing necessary site drainage improvements, a pro-rata of the required downstream improvements will be assessed based on the portion of the project site to the total basin area.
- 6. This project must be evaluated by the Tennessee Department of Health and Environment regarding their jurisdiction over the matercourses on this site In accordance with the Water Quality Control Act of 1977 as amended (TCA 69-3-101 et seq.)
- VII. The Land Use Control Board may modify the bulk, access, parking, landscaping, loading, screening, signs, and other site requirements if equivalent alternatives are presented; provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder may, within ten days of such action file a written appeal to the director of the Office of Planning and Development, to have such action reviewed by the Memphis City Council.
- VIII. Site Plan Review by the Office of Planning and Development:
 - A. A site plan shall be submitted for the review, comment and recommendation of the Office of Planning and Development prior to approval of any final plan.
- B. The site plan shall illustrate the location and dimensions of building footprints, parking lots; private drives; building elevations; landscaping and screening plans.

- C. The site plan shall be reviewed based upon the following criteria:
- 1. Conformance with the Outline Plan Conditions and the standards and criteria for commercial planned developments contained in the Zoning Ordinance and Subdivision Regulations.
- 2. Adequacy of public facilities (streets, sewers, arainage, etc.)
- 3. Elements of site design such as building orientation and setback, access and parking, internal vehicular and pedestrian circulation, landscaping and lighting.
- 4. Consistency between buildings in regard to building elevations and
- IX. A final plan shall be filed within five (5) years of the approval of the Outline Plan or the Outline Plan shall be deemed expired. The Land Use Control Board may grant extensions at the request of the applicant.
- X. Any final plan shall include the following:
- A. The Outline Plan Conditions
- B. A standard subdivision contract as defined by the Subdivision Regulations for any needed public improvements.
- 6. The exact location and dimensions including height of buildings, parking areas, utility easements, drives, trash receptacles, loading facilities, and required landscaping and screening areas.
- D. A rendering including plan view and elevation of any proposed development identification signs showing the height, dimensions and design thereof.
- E. The number of parking spaces.
- F. The location and ownership, whether public or private of any easement.
- 6. If applicable, a statement conveying all common facilities and areas to a property owners' association or other entity, for ownership and maintenance purposes.
- H. Building Illustrations as required by condition II. B. 2.
- I. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City analor County Engineer's Office. Such maintenance shall include, but not be limited to: removal of sedimentation, fallen objects, debris and trash, moving, outlet cleaning, and repair of drainage structures.

Owner's Certificate

Chris McLean undersigned owner of the property shown, hereby adopt this plat as my plan of development. I certify that I am the owner of the said property in fee simple, duly authorized to act, and that said property is not encumbered by any taxes (or mortgages) which have become due and payable.

Notary's Certificate

Titie: EVP/CFO

State of Tennessee County of Shelby

Before me, the undersigned, a Notary Public in and for the said State and County at Memphis, Duly commissioned and qualified, personally appeared

Thru Me Lean" I am personally acquainted, and who upon his (her) oath acknowledged of the English Methodol (& Binher) Hereth within any named bargainer, and that he (she) executed the foregoing instrument for the purpose therein contained. In witness whereof, I have hereunto set my hand and affixed my notarial seal at my office in Memphis, this 10 day of Cep/116 2008.

Notary Public Dieda P. German

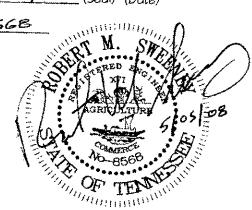
My Commission Expires 1-16-2011

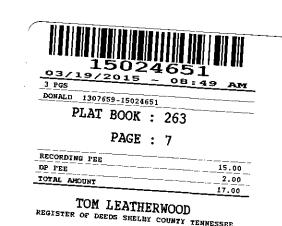
Engineer's Certificate

It is hereby certified that this plat is true and correct, is in conformance with the design requirements of the Zoning Ordinance, the Subdivision Regulations and the specific conditions imposed on this development, and takes into account all applicable federal, state, and local building laws and

By: ROBERT SWEENEY

Tennessee Certificate No. <u>8568</u>





08063232 05/12/2008 - 03:10 PM

DELORES 571367-8063232 PLAT BOOK: 238

PAGE: 13 RECORDING FOR DB BES

TOM LEATHERWOOD

OUTLINE PLAN

PD 07-335

7.198 ACRES

FORMERLY PD 04-309 & PD 87-352 AVANTI PLANNED DEVELOPMENT 2ND AMENDMENT

OWNER: DEVELOPER:

AMBULATORY OPERATIONS INC. GERONIMO LLC

ENGINEERING - PLANNING LANDSCAPE ARCHITECTURE ONSULTING, LLC

901-373-0380 (fax) 373-0370 MEMPHIS, TENNESSEE MAY 2008 SHEET 2 of 3

Office of Planning and Development Certificate

Plan of development acted on by the Memphis and Shelby County Land Use Control Board on <u>IVOB/07</u>. Approved by the Memphis City Council on ____12/13/07 ___.

By Director, Office of Planning & Development

City N/A OPD Soid.

5909 Shelby Oaks Drive Suite 200 Memphis TN 38134

www.SRCE-memphis.com

Δ	⚠ Owner's Certificate	
	shown, hereby adopt this plat as my plan of development. I certify:	owner of the property hat I am the owner of Said
	Property in fee simple, duly authorized to act, and that said property 2-19-15 Date Owner	
A		
<u> 1</u>	A Sound Confidente State of Terrocente County of Shultry	· · · · · · · · · · · · · · · · · · ·
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	In witness whereof, I hereunto set out by hand and affix my seal this	day of <u>Fil</u> ation()
	(NOTARY PUBLIC), MY COMMISSION EXPIRES: (100)	
A	A	
	Mortgagee Certificate We, the undersigned, property shown hereon, hereby adopt this plat as our plan of subdivis streets, rights-of-way utilities, easements and rights of access as sho forever and hereby certify that we are the mortgage duly authorized property is unencumbered by any taxes which have become due and	wn to the City of Memphis so to act and that said
	Date Signature of Mortgagee	
企	Notary Certificate State of Tennessee County of Shelby	
	Colored the unitarity party contains an end for the Sheld contains and commissions of the Sheld contains and commissions of the sheld contains and commissions of the sheld contains and co	Thirdy adure said, duly Districted for the tire is suid'i representative
	In witness whereof, I hereunto set out by hand and affix my seal this	day of
	(NOTARY PUBLIC)	
	MY COMMISSION EXPIRES: 1701 251 2010	



Office of Planning and Development Re-recording Certificate

This Outline Plan is being re-recorded to reflect the action of the Board of Adjustment on 01/28/15 which approved the appeal of 1427 N. Germantown Parkway, LLC to permit a time/extension of the Outline Plan for two additional years from the date of their approval.

OPD DIRECTO

7 / 0

NAS 3/18/15



CUTLINE PLAN FORMERLY PD 04-309 & PD 87-352

PD 07-335

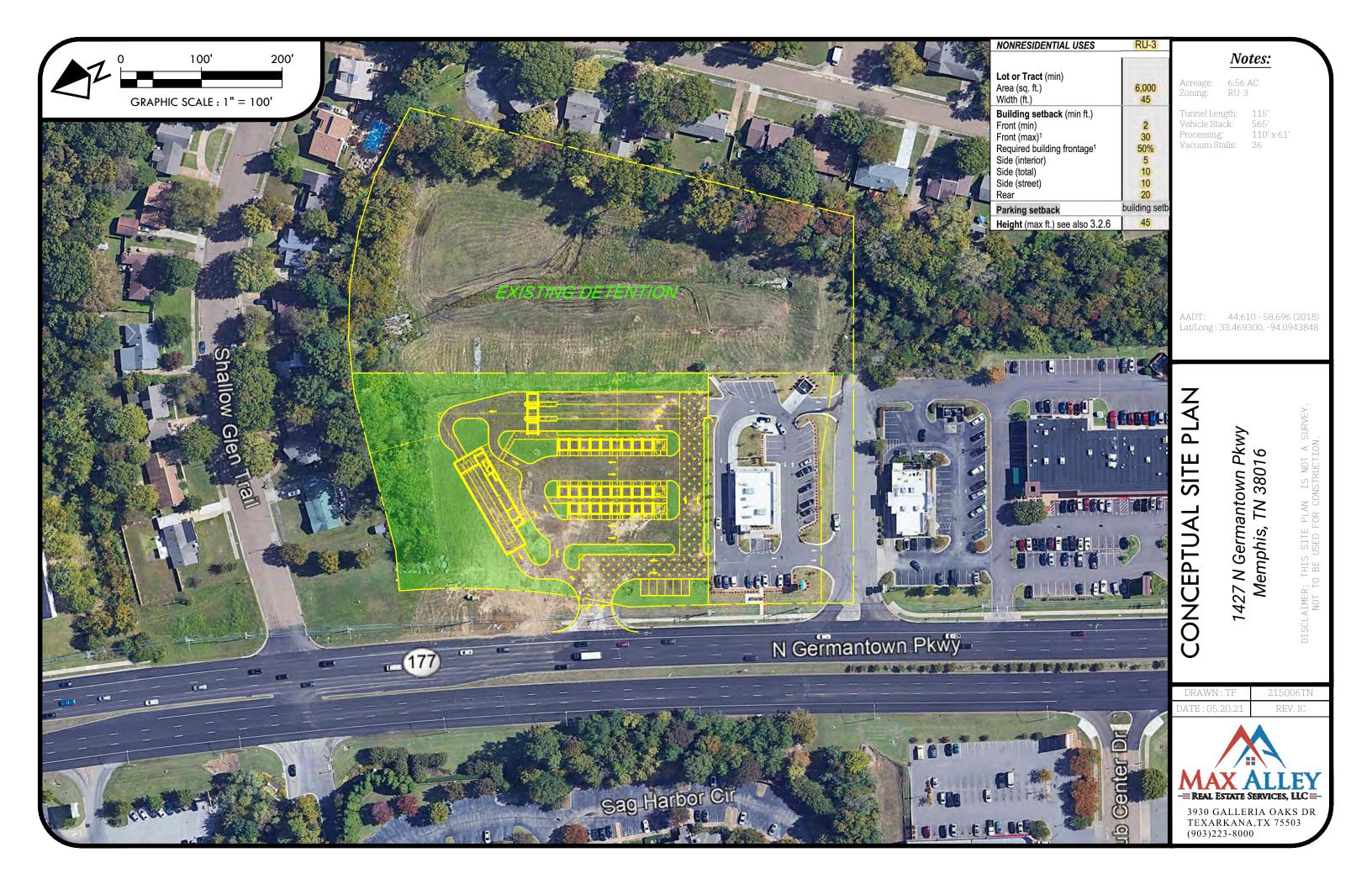
AVANTI PLANNED DEVELOPMENT 2ND AMENDMENT

OWNER/ DEVELOPER: 1427 GERMANTOWN PKWY, LLC 7.198 ACRES MEMPHIS, TENNESSEE FEBRUARY 2015 SHEET 3 of 3



Renaissance Group architecture * engineering * planning * interiors

9700 Village Circle, Suitz 100, Lakeland, TN 35002 (p) 901.332.5533 (i) 901.332.5534



Adamson David M & Debra J Bohannon Martha L Bosin Slava 8125 Shallow Glen Trail 8126 Creek Way Cove P. O. Box 771496 Cordova, TN 38016-8525 Cordova, TN 38016 Memphis, TN 38177 Buchanan Deborah E Cambron Jose L Charles Kum Sun 8116 Creekway Cove 1449 Fieldstone Trail 1381 Sandy Stone Lane Cordova, TN 38016 Cordova, TN 38016-8510 Cordova, TN 38016-8593 Corner Street Properties LLC Clement Mathew & Kelly N Coleman Harry S & Peggy E 3000 Leadenhall Road 2447 W. Gemini Cove 201 S. LaFayette Street Bartlett, TN 38134-5436 Starkville, MS 39759-3209 Mount Laurel, NJ 08054 Cypress-Parkway Collection LLC Dennis Lynuel W CSMA BLT LLC 1850 Parkway Place, Ste. 900 700 Colonial Road, Ste. 100 8129 Broken Rock Cove Marietta, GA 30067-8261 Memphis, TN 38117 Cordova, TN 38016-6068 Eads Lonnie & Evelyn Edwards Keneen D Fancher Kenneth E & Julianne 2547 Van Eaton Lane 8122 Shallow Glen Trail 8158 Valley Ridge Trail Memphis, TN 38133 Cordova, TN 38018 Cordova, TN 38016-6099 Fitzgerald Toya T FKH SFR Propco B-HLD LP Gonzalez Oscar & Carol S 1850 Parkway Place, Ste. 900 1421 Sandy Stone Lane 8136 Creek Way Cove Cordova, TN 38018-0000 Marietta, GA 30067-8261 Cordova, TN 38016 Grashot James A Greer Thomas R & Katherine T Harris Debra D And Lee Young (RS) 1431 Fieldstone Trail 8101 Shallow Glen Trail 8133 Broken Rock Cove Cordova, TN 38016-8525 Cordova, TN 38016-6068 Cordova, TN 38016-6079 Home SFR Borrower IV LLC Home SFR Borrower LLC Houghton Acquisition Co LLC 14241 Dallas Parkway, Ste. 600 3505 Koger Boulevard, Ste. 400 3505 Koger Boulevard, Ste. 400 Duluth, GA 30096-7672 Duluth, GA 30096-7672 Dallas, TX 75254-2949 Jones Desiree L Hull Ernista Jones Brandon J 8145 Shallow Glen Trail 1442 Sandy Stone Lane 1401 Fieldstone Trail Cordova, TN 38016-8525 Cordova, TN 38016-8509 Cordova, TN 38016-6079

KJD LLC

155 Evening Star Court

Milpitas, CA 95035-6211

KMS Company Ltd. 4-14-8-202 Mita Minato-Ku

Okyo, Japan 108-0073

Kitterman Jonathan

6120 N. Watkins Road

Millington, TN 38053-6941

Lee Organization 4 LLC Lewis Darryl & Lasavia Marks Ursula R 8117 Creek Way Cove P. O. Box 1983 1389 Sandy Stone Lane Athens, GA 30603-1422 Cordova, TN 38016-8510 Cordova, TN 38016-8511 Martello David C Martin James R Jr. Mayorga Anthony 1440 Fieldstone Trail 8159 Shallow Glen Trail 8092 Shallow Glen Trail Cordova, TN 38016-6078 Cordova, TN 38016-8525 Cordova, TN 38016-8521 Memphis Helpful Homes LLC McDonald C W & Gloria N Mercado Luis M 1155 Cully Road 1415 Sandy Stone Lane 8093 Shallow Glen Trail Cordova, TN 38018-8205 Cordova, TN 38016-8524 Cordova, TN 38016-8510 Mid America Apartments LP Miles Lee W Jr & Kitty A Montoya Juan C 6815 Poplar Avenue, Ste. 500 8139 Shallow Glen Trail 8160 Shallow Glen Trail Germantown, TN 38138-3687 Cordova, TN 38016 Cordova, TN 38018 Nichols Shari A Nelson Tomoko NFH2 GP 3626 Lower Honoapiilani Road, Ste. A209 5858 Ridgeway Center Parkway 8137 Broken Rock Cove Memphis, TN 38120-4004 Lahaina, HI 96761-9388 Cordova, TN 38016-6068 Orth Constance & Steven P Pearl Karen T Peterson Miranda L 17147 Forest Lake Road 8130 Shallow Glen Trail 8138 Broken Rock Cove Sonora, CA 95370-9684 Cordova, TN 38016-8521 Cordova, TN 38016-6068 Plock Meredith L G & Joshua T Porterfield Johnnie And Mackenzie Seal Pourmotabbed Tahere 1373 Sandy Stone Lane 8133 Shallow Glen Trail 1271 Macon Hall Cordova, TN 38016-8508 Cordova, TN 38016-8525 Cordova, TN 38018-6584 PSAC Development Partners LP RAC Land LLC Raleigh Tire Service Incorporated P. O. Box 25025 2827 Austin Peay Highway 6400 Winchester Road Glendale, CA 91201-5025 Memphis, TN 38115-8117 Memphis, TN 38128-5604 **REI Nation LLC** Rivera Johan E D & Erin D D Sigler Ramirez Luis B & Dora E 8163 Valley Ridge Trail 8148 Yellow Stone Drive P. O. Box 381887 Cordova, TN 38016-1550 Germantown, TN 38183-1887 Cordova, TN 38016-8586 RND Properties LLC Roberts Laura M Robertson George B

8140 Creekway Cove

Cordova, TN 38016

1532 Bonnie Lane

Cordova, TN 38016-1562

8400 River Trail Cove

Cordova, TN 38018

Ross Ann J 1395 Sandy Stone Lane Cordova, TN 38016-8510 Shtepenko Natalia 8109 Shallow Glen Trail Cordova, TN 38016-8525 Smith Hamilton 1415 Fieldstone Trail Cordova, TN 38016-6079

Snider Michael & Sue 8174 Shallow Glen Trail Cordova, TN 38016-1553 Solis Maria 8184 Timber Hill Trail Cordova, TN 38016 Southern Property Investors P. O. Box 342707 Bartlett, TN 38184

Sparkman Jacob D & Kathryn 2231 Galloway Terrace Midlothian, VA 23113-6451 Spock Investment LLC 36748 Silk Court Newark, CA 94560-2245 Stachowski John & Cynthia L 8127 Creek Way Cove Cordova, TN 38016-8511

Stoecker Rossmon E & Danielle Stoecker 292 Walnut Tree Cove Cordova, TN 38018-6838 Store Master Funding VII LLC 15 W. 6th Street, Ste. 2400 Tulsa, OK 74119-5417 Swanberg Steven S & Debra L 8108 Shallow Glen Trail Cordova, TN 38016-8521

True MEM2016-1 LLC 1024 Bayside Drive, Ste. 205 Newport Beach, CA 92660-7462

Underwood Jerry W 1427 Sandy Stone Lane Cordova, TN 38016-8510 Varner Charnell R 8119 Shallow Glen Trail Cordova, TN 38016-8525

Vego Deborah L 8167 Valley Ridge Trail Cordova, TN 38016-1550 Watson Shannon 1432 Fieldstone Trail Cordova, TN 38016-6078 Webster Harold L 1424 Fieldstone Trail Cordova, TN 38016-6078

Wells Alicia D 8116 Shallow Glen Trail Cordova, TN 38016-8521 Whitehead Clara L 1395 Fieldstone Trail Cordova, TN 38016-6077 Williams Thomas C & Bethany P 1430 Sandy Stone Lane Memphis, TN 38016-8509 SR Consulting Engineering 5909 Shelby Oaks Drive, Suite 200 Memphis TN 38134 SR Consulting Engineering 5909 Shelby Oaks Drive, Suite 200 Memphis TN 38134 SR Consulting Engineering 5909 Shelby Oaks Drive, Suite 200 Memphis TN 38134

SR Consulting Engineering 5909 Shelby Oaks Drive, Suite 200 Memphis TN 38134 SR Consulting Engineering 5909 Shelby Oaks Drive, Suite 200 Memphis TN 38134

OWS Partnership 5858 Ridgeway Center Parkway Memphis, TN 38120-4004 OWS Partnership 5858 Ridgeway Center Parkway Memphis, TN 38120-4004 OWS Partnership 5858 Ridgeway Center Parkway Memphis, TN 38120-4004

OWS Partnership 5858 Ridgeway Center Parkway Memphis, TN 38120-4004 OWS Partnership 5858 Ridgeway Center Parkway Memphis, TN 38120-4004



As evidenced by the instrument number shown below, this document has been recorded as a permanent record in the archives of the Office of the Shelby County Register.

16130530 12/27/2016 - 10:31 AM	
PGS	
OONNA 1547479-16130530	
ALUE	1840000.00
MORTGAGE TAX	0.00
TRANSFER TAX	6808.00
RECORDING FEE	20.00
DP FEE	2.00
REGISTER'S FEE	1.00
WALK THRU FEE	0.00
TOTAL AMOUNT	6B31.00

Tom Leatherwood, Shelby County Register of Deeds: Instr. # 16130530

WARRANTY DEED

THIS INDENTURE, made and entered into as of the 20th day of December, 2016, by and between 1427 Germantown Parkway, LLC, a Tennessee limited liability company, party of the first part, and OWS Partnership, **** a Tennessee general partnership, party of the second part,

WITNESSETH: That for and in consideration of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable considerations, the receipt of all of which is hereby acknowledged, the said party of the first part has bargained and sold and does hereby bargain, sell, convey and confirm unto the said party of the second part the following described real estate, situated and being in the County of **Shelby**, State of **Tennessee**:

See Exhibit "A" attached hereto and made a part hereof by this reference.

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Additionally, and without any warranties of title, party of the first part hereby quit claims to party of the second part the property described in Exhibit "B" which survey description was prepared by Harris and Associates Land Surveyors, LLC.

Being the same property conveyed to the party of the first part by Warranty Deed of record at Instrument Number 14119003, in the Register's Office of **Shelby** County, **Tennessee**.

TO HAVE AND TO HOLD the aforesaid real estate, together with all the appurtenances and hereditaments thereunto belonging or in any wise appertaining unto the said party of the second part, his heirs, successors and assigns in fee simple forever.

The said party of the first part does hereby covenant with the said party of the second part that they are lawfully seized in fee of the aforedescribed real estate; they have a good right to sell and convey the same; that the same is unencumbered, EXCEPT

Subdivision restrictions, building lines and easements of record in Plat Book 121, Page 50, Plat Book 129, Page 77, Plat Book 132, Page 41, Plat Book 166, Page 69, Plat Book 212, Page 9, Plat Book 228, Page 27, Plat Book 238, Page 13, Plat Book 231, Page 9, Plat Book 263, Page 7 and in Plat Book 264, Page 27; Declaration of Covenants, Conditions and Restrictions recorded as Instrument No. 04187350; Deed Restrictions recorded as Instrument No. BM 8240; Easements of record in Instrument Nos. WS 6714, DB 3704, HL 8629, X7 3582, CK 9954, DB 3705, HY 8348 and 05134870; Agreement to Terminate Reciprocal Easement Agreement recorded as Instrument No. CK 9955, and Ingress Egress recorded as Instrument No. 04187349, all in said Register's Office and 2017 City of **Memphis** and 2017 **Shelby** County real estate taxes, not yet due and payable, which the party of the second part hereby assumes and agrees to pay;

and that the title and quiet possession thereto they will warrant and forever defend against the lawful claims of all persons.

The word "party" as used herein shall mean "parties" if more than one person or entity be referred to, and pronouns shall be construed according in their proper gender and number according to the context hereof.

WITNESS the signature of the said party of the first part the day and year first above written.

1427 Germantown Parkway, LLC

Spencer Nix, Chief Manager

Ferris/S. Burns, Secretary

Tom Leatherwood, Shelby County Register of Deeds: Instr. # 16130530

STATE OF TENNESSEE COUNTY OF SHELBY

Before me, the undersigned Notary Public, of the State and County aforesaid, personally appeared Spencer Nix and Ferris S. Burns, with whom I am personally acquainted or proved to me on the basis of satisfactory evidence, and who, upon oath, acknowledged themselves to be the Chief Manager and Secretary of 1427 Germantown Parkway LLC, a limited liability company, and that they as such Officers, being authorized to do so, executed the foregoing instrument for the purposes therein contained, by signing the name of the limited liability company by themselves as such Officers.

WITNESS my hand and seal at office this 204/

⟨v/øf December, 2016.

Notary Public

My Commission Expires:

(FOR RECORDING DATA ONLY)

Property Address: 1427 North Germantown Parkway Cordova, TN 38016

Mail Tax Notices To and Property Owner: OWS Partnership, @xxxx 5858 Ridgeway Center Parkway Memphis, TN 38120-

Ward, Block & Parcel Number: 096-5000-0-00755-0 096-5000-0-00756-0

This instrument prepared by: Stanley & Rainey, P.C. 7515 Corporate Centre Drive Germantown, TN 38138 Stanley & Rainey, P.C.#: 20161067

Return to: Lynn A. Gardner GLANKLER BROWN, PLLC 6000 Poplar Avenue, Suite 400 Memphis, TN 38119

I, or we, hereby swear or affirm that to the best of affiant's knowledge, information, and belief, the actual consideration for this transfer or value of the property transferred, whichever is greater is \$1,840,000.00, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

Affiant

Subscribed and sworn to before me this the **26**th day of December, 2016.

Notary Public

My Commission Expires:

TENNES NO Brillian COUNTY COUNTY OF THE PROPERTY OF AN

Tom Leatherwood, Shelby County Register of Deeds: Instr. # 16130530

EXHIBIT "A"

LEGAL DESCRIPTION

Land situated in Shelby County, Tennessee:

Parcel D (Formerly Part of Parcel A), Avanti Planned Development, 2nd Amendment, Outline Plan, as shown on Plat of record in Plat Book 238, Page 13, in the Register's Office of Shelby County, Tennessee, and being the same property more particularly described as follows:

Beginning at a point in the east right-of-way line of Germantown Parkway (variable width ROW), said point being in the south line of Section "A-1" Germantown Glen Subdivision, as recorded in Plat Book 63, Page 11 of the Register's Office of Shelby County, Tennessee; thence eastwardly on a bearing of South 72 degrees 43 minutes 58 seconds East a distance of 50.00 feet to a point; thence eastwardly on a bearing of South 82 degrees 20 minutes 49 seconds East a distance of 125.69 feet to a point; thence eastwardly on a bearing of South 82 degrees 10 minutes 07 seconds East a distance of 76.68 feet to a point; thence eastwardly on a bearing of South 73 degrees 19 minutes 29 seconds East a distance of 67.42 feet to a point; thence eastwardly on a bearing of South 66 degrees 15 minutes 09 seconds East a distance of 67.33 feet to a point; thence eastwardly on a bearing of South 58 degrees 12 minutes 47 seconds East a distance of 67.33 feet to a point; thence eastwardly on a bearing of South 51 degrees 04 minutes 45 seconds East a distance of 69.47 feet to a point; thence eastwardly on a bearing of South 40 degrees 39 minutes 02 seconds East a distance of 45.66 feet to a point; thence eastwardly on a bearing of South 40 degrees 19 minutes 49 seconds East a distance of 50.46 feet to a point; thence southwardly on a bearing of South 36 degrees 13 minutes 37 seconds West a distance of 566.02 feet to a point; thence westwardly on a bearing of South 67 degrees 32 minutes 04 seconds West a distance of 479.11 feet to a point; thence along the arc of a curve to the left with a radius of 7719.44 feet a distance of 278.05 feet to a point; thence along a curve to the left with a radius of 932.22 feet a distance of 286.59 feet to the point of beginning.

Tom Leatherwood, Shelby County Register of Deeds: Instr. # 16130530

EXHIBIT "B"

PROPERTY DESCRIPTION

BEGINNING AT A P.K. NAIL FOUND IN THE INTERSECTION OF THE EAST LINE OF GERMANTOWN ROAD (RIGHT-OF-WAY VARIES) AND THE CENTERLINE OF VILLAGE TRAIL. (RIGHT-OF-WAY VARIES); THENCE NORTHEASTWARDLY WITH THE EAST LINE OF GERMANTOWN ROAD AND ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 7719,44 FEET, DELTA ANGLE 02 DEGREES 03 MINUTES 49 SECONDS, ARC LENGTH 278.03 FEET, CHORD NORTH ANGLE 02 DEGREES 18 MINUTES 13 SECONDS EAST 278.02 FEET TO POINT ON CURVE (FOUND IT DEGREES 18 MINUTES 13 SECONDS EAST AND 0.8' SOUTH); THENCE OF GERMANTOWN ROAD AND ALONG A CURVE TO NORTHEASTWARDLY WITH THE EAST LINE OF GERMANTOWN ROAD AND ALONG A CURVE TO NORTHEASTWARDLY WITH THE EAST LINE OF GERMANTOWN ROAD AND ALONG A CURVE TO NORTHEASTWARDLY WITH THE EAST LINE OF GERMANTOWN ROAD AND ALONG A CURVE TO NORTHEASTWARDLY WITH THE EAST LINE OF GERMANTOWN ROAD AND ALONG A CURVE TO NORTHEASTWARDLY WITH THE EAST LINE OF GERMANTOWN ROAD AND ALONG A CURVE TO NORTHEASTWARDLY WITH THE EAST CHORD NORTH 22 DEGREES 15 MINUTES 55 SECONDS SECONDS, ARC LENGTH 286.59 FEET, CHORD NORTH 22 DEGREES 15 MINUTES OF SECONDS SECONDS ARC LENGTH 286.59 FEET, CHORD NORTH 22 DEGREES 15 MINUTES OF SECONDS FAST AD INTAINCE OF 50.00 SEVEN CALLS: SOUTH 70 DEGREES 03 MINUTES 55 SECONDS EAST AD DISTANCE OF 50.00 SEVEN CALLS: SOUTH 77 DEGREES 03 MINUTES 56 SECONDS EAST AD SECONDS FAST AD SECONDS FAST AND FOUND: THENCE SOUTH 70 DEGREES 27 MINUTES 59 SECONDS EAST 67.33 FEET TO A POINT; THENCE SOUTH 70 DEGREES 27 MINUTES 59 SECONDS EAST 67.33 FEET TO A POINT; THENCE SOUTH 62 DEGREES 27 MINUTES 59 SECONDS EAST 67.33 FEET TO A POINT; THENCE SOUTH 62 DEGREES 37 MINUTES 37 SECONDS EAST 67.33 FEET TO A POINT; THENCE SOUTH 62 DEGREES 37 MINUTES 37 SECONDS EAST 66.12 FEET TO A POINT; THENCE SOUTH 64 DEGREES 37 MINUTES 37 SECONDS EAST 66.12 FEET TO A POINT; THENCE SOUTH 65 DEGREES 37 MINUTES 37 SECONDS EAST 66.12 FEET TO A POINT; THENCE SOUTH 65 DEGREES 38 MINUTES 37 SECONDS EAST 66.12 FEET TO A POINT; THENCE SOUTH 65 DEGREES 38 MINUTES 37 SECONDS EAST 66.12 FEET TO A POINT; THENCE SOUTH

And

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TOGETHER WITH rights in and under that certain Declaration of Ingress-Egress Easement recorded under Register's No. 04187349.

CITY OF MEMPHIS COUNCIL AGENDA CHECK OFF SHEET

ONE ORIGINAL | Planning & Development ONLY STAPLED | **DIVISION |TO DOCUMENTS| Planning & Zoning** COMMITTEE: 08/03/2021 **DATE PUBLIC SESSION:** 08/03/2021 **DATE** ITEM (CHECK ONE) ___ CONDEMNATIONS ORDINANCE GRANT ACCEPTANCE / AMENDMENT GRANT APPLICATION REQUEST FOR PUBLIC HEARING X RESOLUTION __OTHER: ITEM DESCRIPTION: A resolution to upgrade an existing gas station that does not lie at the intersection of two collectors, one collector and one arterial street or two arterials. **CASE NUMBER:** SUP 21-12 **DEVELOPMENT:** Gas Station LOCATION: 3521 Lamar Avenue **COUNCIL DISTRICTS:** District 4 and Super District 8 **OWNER/APPLICANT:** Aman Devji REPRESENTATIVE: Neeraj Kumar **EXISTING ZONING:** Employment (EMP) To upgrade an existing gas station that does not lie at the intersection of two collectors, one collector and one **REQUEST:** arterial street or two arterials. +/-1.095 acres AREA: RECOMMENDATION: The Division of Planning and Development recommended Approval with conditions The Land Use Control Board recommended Approval with conditions RECOMMENDED COUNCIL ACTION: Public Hearing Not Required Set hearing date for – August 3, 2021 **PRIOR ACTION ON ITEM:** APPROVAL - (1) APPROVED (2) DENIED 07/08/2021 DATE (1) Land Use Control Board ORGANIZATION - (1) BOARD / COMMISSION (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE **FUNDING**: REQUIRES CITY EXPENDITURE - (1) YES (2) NO AMOUNT OF EXPENDITURE REVENUE TO BE RECEIVED **SOURCE AND AMOUNT OF FUNDS OPERATING BUDGET** CIP PROJECT # FEDERAL/STATE/OTHER ADMINISTRATIVE APPROVAL: **DATE POSITION** MUNICIPAL PLANNER DEPUTY ADMINISTRATOR **ADMINISTRATOR** DIRECTOR (JOINT APPROVAL) **COMPTROLLER** FINANCE DIRECTOR CITY ATTORNEY CHIEF ADMINISTRATIVE OFFICER

COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

SUP 21-12

Resolution requesting to upgrade an existing gas station that does not lie at the intersection of two collectors, one collector and one arterial street or two arterials.

- This item is a resolution with conditions for a special use permit to allow the above; and
- The Division of Planning & Development at the request of the Owner(s)/Applicant(s): Aman Devji and Representative(s): Neeraj Kumar; and
- Approval of this special use permit will be reflected on the Memphis and Shelby County Zoning Atlas; and
- The item may require future public improvement contracts.

RESOLUTION APPROVING A SPECIAL USE PERMIT AT THE SUBJECT PROPERTY LOCATED AT 3521 LAMAR AVENUE, KNOWN AS CASE NUMBER SUP 21-12.

WHEREAS, Chapter 9.6 of the Memphis and Shelby County Unified Development Code, being a section of the Joint Ordinance Resolution No. 5367, dated August 10, 2010, authorizes the Council of the City of Memphis to grant a special use permit for certain stated purposes in the various zoning districts; and

WHEREAS, Aman Devji filed an application with the Memphis and Shelby County Office of Planning and Development to allow the upgrading of a gas station that does not reside at the intersection of two collectors, one collector and one arterial street, or two arterials; and

WHEREAS, the Division of Planning and Development has received and reviewed the application in accordance with procedures, objectives, and standards for special use permits as set forth in Chapter 9.6 with regard to the proposed development's impacts upon surrounding properties, availability of public facilities, both external and internal circulation, land use compatibility, and that the design and amenities are consistent with the public interest; and has submitted its findings and recommendation concerning the above considerations to the Land Use Control Board; and

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on July 8, 2021, and said Board has submitted its findings and recommendation concerning the above considerations to the Council of the City of Memphis; and

WHEREAS, the Council of the City of Memphis has reviewed the aforementioned application pursuant to Tennessee Code Annotated Section 13-4-202(B)(2)(B)(iii) and has determined that said development is consistent with the Memphis 3.0 General Plan; and

WHEREAS, the Council of the City of Memphis has reviewed the recommendation of the Land Use Control Board and the report and recommendation of the Division of Planning and Development and has determined that said development meets the objectives, standards and criteria for a special use permit, and said development is consistent with the public interests.

NOW, THEREFORE, BE IT RESOLVED, BY THE COUNCIL OF THE CITY OF MEMPHIS, that, pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code, a special use permit is hereby granted for the request use in accordance with the attached conditions.

- **BE IT FURTHER RESOLVED,** that this permit merely authorizes the filing of applications to acquire a Certificate of Use and Occupancy, or a Building Permit, and other required permits and approvals, provided that no such Certificate of Use and Occupancy shall be granted until all conditions imposed by the Council of the City of Memphis have been met.
- **BE IT FURTHER RESOLVED,** This resolution exempts this property from the gas station moratorium approved by the Council of the City of Memphis on March 16, 2021.

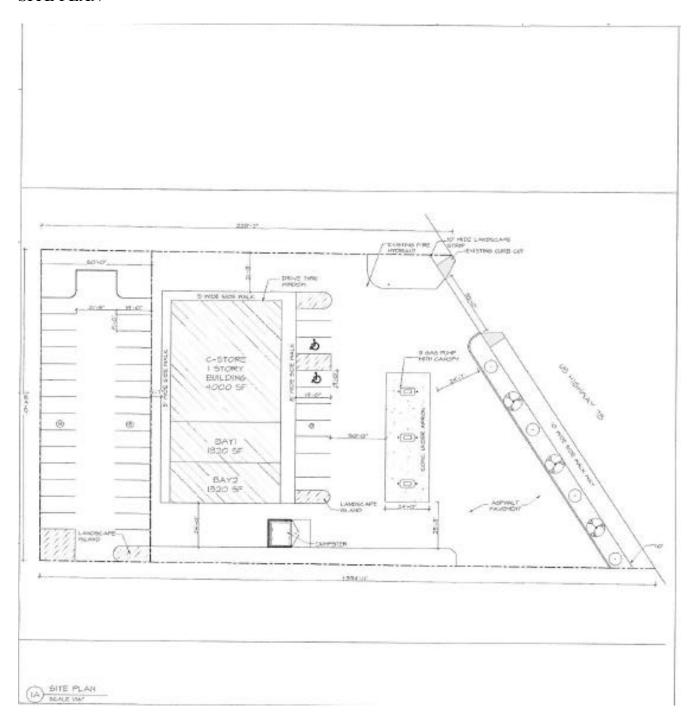
ATTEST:

CC: Division of Planning and Development
- Land Use and Development Services
- Office of Construction Enforcement

CONDITIONS

- 1. No window signage is permitted on the front façade
- 2. Landscape screening is required around the rear utility units and dumpster
- 3. Roof-mounted mechanical equipment shall be shielded from view on all sides. Screening shall consist of materials consistent with the primary building materials, and may include metal screening or louvers which are painted to blend with the primary structure.
- 4. EIFS shall comprise no more than ten percent (10%) of any building's exterior finish.
- 5. The City Engineer shall approve the design, number and location of curb cuts through the curb cut permit process.

SITE PLAN



LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on *Thursday, July 8, 2021*, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: SUP 21-12

LOCATION: 3521 Lamar Avenue

COUNCIL DISTRICT: District 4 and Super District 8

OWNER/APPLICANT: Aman Devji

REPRESENTATIVE: Neeraj Kumar

REQUEST: Upgrading an existing gas station that does not reside at the intersection of

two collector streets

AREA: +/-1.095 acres

EXISTING ZONING: Employment (EMP)

The following spoke in support of the application: None

The following spoke in opposition the application: None

The Land Use Control Board reviewed the application and the staff report. A motion was made and seconded to recommend approval with conditions.

The motion passed by a vote of 9-0-1 on the consent agenda.

Respectfully,

Seth Thomas

Municipal Planner

Land Use and Development Services
Division of Planning and Development

chillen

Cc: Committee Members

File

SUP 21-12 CONDITIONS

- 1. No window signage is permitted on the front façade
- 2. Landscape screening is required around the rear utility units and dumpster
- 3. Roof-mounted mechanical equipment shall be shielded from view on all sides. Screening shall consist of materials consistent with the primary building materials, and may include metal screening or louvers which are painted to blend with the primary structure.
- 4. EIFS shall comprise no more than ten percent (10%) of any building's exterior finish.
- 5. The City Engineer shall approve the design, number and location of curb cuts through the curb cut permit process.

SITE PLAN CONTROL CANDISCAME CONTROL CANDI HYDRAID HYDRAID 8010 HIGH b C-STORE I STORY BUILDING 4000 SF b H-07 0 (9) - CO - N BAYI 1820 SF BAY2 1920 5F (D) 12000

IA SITE PLAN

dpd STAFF REPORT

AGENDA ITEM: 6

CASE NUMBER: SUP 21-12 L.U.C.B. MEETING: July 8, 2021

LOCATION: 3521 Lamar Avenue

COUNCIL DISTRICT: District 4 and Super District 8

OWNER/APPLICANT: Aman Devji

REPRESENTATIVE: Neeraj Kumar

REQUEST: Upgrading an existing gas station that does not reside at the intersection of two

collector streets

AREA: +/-1.095 acres

EXISTING ZONING: Employment (EMP)

CONCLUSIONS

- 1. The applicant is seeking a Special Use Permit to upgrade an existing gas station that does not reside at the intersection of two collectors, one collector and one arterial street, or two arterials.
- 2. Due to the legal non-conformity of the currently operating gas station, a Special Use Permit must be filed for any building expansion or demolition.
- 3. This application will greatly improve a pre-existing gas station that operates under a legal non-conforming status.
- 4. The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.

CONSISTENCY WITH MEMPHIS 3.0

This proposal is **consistent** with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages 15 and 16 of this report.

RECOMMENDATION

Approval with conditions

Staff Writer: Seth Thomas E-mail: seth.thomas@memphistn.gov

Staff Report July 8, 2021 SUP 21-12 Page 2

GENERAL INFORMATION

Street Frontage: Lamar Avenue +/-86.49 curvilinear feet

Zoning Atlas Page: 2235

Parcel ID: 073001 00059

Existing Zoning: Employment (EMP)

NEIGHBORHOOD MEETING

The meeting was held at 6:00 PM on Tuesday, January 22, 2021 on Zoom.

PUBLIC NOTICE

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 79 notices were mailed on June 24, 2018, and a total of 1 sign posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



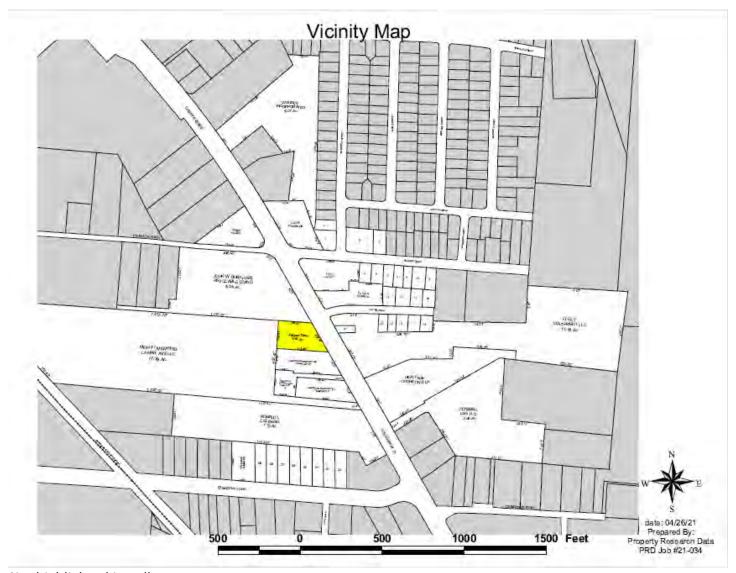
Subject property located within the pink circle, Oakville Neighborhood

Underberg Commercial Subdivision (1977)



Subject property highlighted in yellow, Lot 4

VICINITY MAP



Site highlighted in yellow

AERIAL



Subject property outlined in yellow

ZONING MAP



Subject property indicated by a pink star

Existing Zoning: Employment (EMP)

Surrounding Zoning

North: Employment (EMP), CMU-3 and BOA 65-098-CI

East: Employment (EMP), CMU-3, R-6, BOA 52-015-CO, BOA 40-054-CO, BOA 53-047-CO

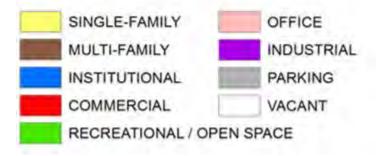
South: Employment (EMP), CMU-3, PD Z-2780, BOA 55-114-CO, SUP 05-220, UV 05-009

West: Employment (EMP), BOA 96-053, BOA 92-079

LAND USE MAP



LandUse



Subject property indicated by a pink star

SITE PHOTOS



View of the north side of the property from Fuller Road facing south.



View of the rear of the lot from the neighboring property to the south facing northeast.



View of the rear side of the property from Lamar Avenue facing northwest.

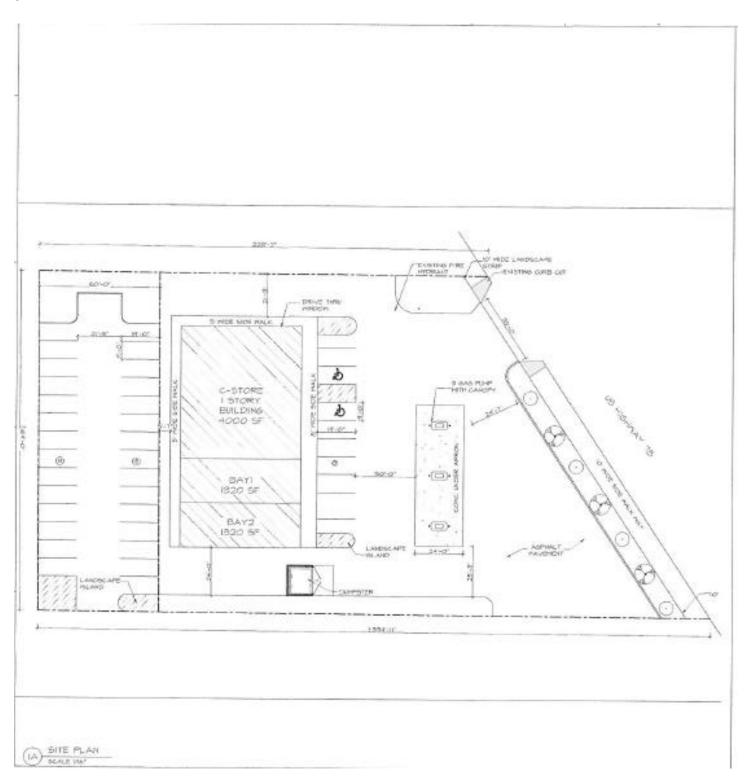


View of the northernmost curb cut of the property from Lamar Avenue facing southwest.



View of the current pump configuration and principle structure facing west

SITE PLAN



ELEVATIONS





STAFF ANALYSIS

Request

The application and letter of intent have been added to this report.

Upgrading an existing gas station that does not reside at the intersection of two collector streets.

Approval Criteria

Staff agrees the approval criteria in regard special use permits as set out in Section 9.6.9 of the Unified Development Code are met.

9.6.9 Approval Criteria

No special use permit or planned development shall be approved unless the following findings are made concerning the application:

9.6.9A	The project will not have a substantial or undue adverse effect upon adjacent property, the
	character of the neighborhood, traffic conditions, parking, utility facilities and other matters
	affecting the public health, safety, and general welfare.
9.6.9B	The project will be constructed, arranged and operated so as to be compatible with the

3.0.35	The project will be constructed, arranged and operated so as to be compatible with the
	immediate vicinity and not interfere with the development and use of adjacent property in
	accordance with the applicable district regulations.
0.6.00	The project will be carried adequately by assential public facilities and carrieses such as streets

9.6.9C	The project will be served adequately by essential public facilities and services such as streets,
	parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or
	that the applicant will provide adequately for such services.

9.6.9D	The project will not result in the destruction, loss or damage of any feature determined by the
	governing bodies to be of significant natural, scenic or historic importance.

9.6.9E	The project complies with all additional standards imposed on it by any particular provisions
	authorizing such use.

9.6.9F	The request will not adversely affect any plans to be considered (see Chapter 1.9), or violate the
	character of existing standards for development of the adjacent properties.

- 9.6.9G The governing bodies may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to insure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this development code.
- 9.6.9H Any decision to deny a special use permit request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record, per the Telecommunications Act of 1996, 47 USC 332(c)(7)(B)(iii). The review body may not take into account any environmental or health concerns.

Site Description

The subject property is +/-1.095 acres and compromised of one parcel (073001 00059), located at 3521 Lamar Avenue in the north central Oakville neighborhood, and zoned Employment (EMP). Per the Assessor's Office, the principal structure on the site was originally built circa 1977 and currently is a one-story structure with a ground floor area of 1,600 square feet. The subject property, which was originally constructed as a fueling station also has a detached utility building with 242 square feet of ground floor area, one underground fuel tank, and a canopy that takes up 4,320 square feet of the lot.

Consistency with Memphis 3.0

Staff uses the following criteria contained in Memphis 3.0 to determine consistency.

1. FUTURE LAND USE PLANNING MAP



The red boxes indicate the application sites on the Future Land Use Map.

2. Land use description & applicability

Industrial Flex land allows for mixed-use, which makes this land versatile for development and employment as it is also not on conservation lands or floodplain. This area is lower intensity manufacturing, usually at the scale of one to three stories and can be located next to residential neighborhoods due to their low emissions of sound, light and air pollution. See graphic portrayal to the right.



"IF" Goals/Objectives:

Evolution of single use industrial zones into mixed-use environments that are compatible with adjacent neighborhoods.

"IF" Form & Location Characteristics:

Industrial with some commercial and service uses that are one to six stories in height.

The applicant is seeking approval for a special use permit to operate a convenience store with gas pumps in an employment zone.

The request meets the criteria in the form of a commercial and service use, the height requirement, and is consistent with existing land uses. Therefore, the proposal is consistent.

3. Existing, Adjacent Land Use and Zoning

The subject site is surrounded by the following land uses: Commercial and Employment. The subject site is surrounded by the following zoning districts: CMU-2 and EMP. This requested use is compatible with the adjacent land use because existing land use surrounding the parcels is similar in nature to the requested use.

4. Degree of Change map



The red box indicates the application sites. There is no degree of change.

Based on the information provided, the proposal IS CONSISTENT with the Memphis 3.0 Comprehensive Plan.

Conclusions

- 1. The applicant is seeking a Special Use Permit to upgrade an existing gas station that does not reside at the intersection of two collectors, one collector and one arterial street, or two arterials.
- 2. Due to the legal non-conformity of the currently operating gas station, a Special Use Permit must be filed for any building expansion or demolition.
- 3. This application will greatly improve a pre-existing gas station that operates under a legal non-conforming status.
- 4. The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.

RECOMMENDATION

Staff recommends approval with conditions.

Conditions

- 1. No window signage is permitted on the front façade
- 2. Landscape screening is required around the rear utility units and dumpster
- 3. Roof-mounted mechanical equipment shall be shielded from view on all sides. Screening shall consist of materials consistent with the primary building materials, and may include metal screening or louvers which are painted to blend with the primary structure.
- 4. EIFS shall comprise no more than ten percent (10%) of any building's exterior finish.
- 5. The City Engineer shall approve the design, number and location of curb cuts through the curb cut permit process.

DEPARTMENTAL COMMENTS

The following comments were provided by agencies to which this application was referred:

July 8, 2021

Page 18

City/County Engineer:

CITY ENGINEERING COMMENTS DATE: 5/24/2021

CASE: SUP-21-012 NAME: C Store with Gas Sales

 Standard Subdivision Contract or Right-Of-Way Permit as required in Section 5.5.5 of the Unified Development Code.

2. No site plan included in application

Sewers:

- 3. City sanitary sewers are available to serve this development.
- 4. All sewer connections must be designed and installed by the developer. This service is no longer offered by the Public Works Division.

Roads:

- 5. The Developer shall be responsible for the repair and/or replacement of all existing curb and gutter along the frontage of this site as necessary.
- 6. All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA compliance. The developer shall be responsible for any reconstruction or repair necessary to meet City standards.

Traffic Control Provisions:

- 7. The developer shall provide a traffic control plan to the city engineer that shows the phasing for each street frontage during demolition and construction of curb gutter and sidewalk. Upon completion of sidewalk and curb and gutter improvements, a minimum 5 foot wide pedestrian pathway shall be provided throughout the remainder of the project. In the event that the existing right of way width does not allow for a 5 foot clear pedestrian path, an exception may be considered.
- 8. Any closure of the right of way shall be time limited to the active demolition and construction of sidewalks and curb and gutter. Continuous unwarranted closure of the right of way shall not be allowed for the duration of the project. The developer shall provide on the traffic control plan, the time needed per phase to complete that portion of the work. Time limits will begin on the day of closure and will be monitored by the Engineering construction inspectors on the job.
- 9. The developer's engineer shall submit a Trip Generation Report that documents the proposed land use, scope and anticipated traffic demand associated with the proposed development. A detailed Traffic Impact Study will be required when the accepted Trip Generation Report indicates that the number for projected trips meets or exceeds the criteria listed in Section 210-Traffic Impact Policy for Land Development of the

City of Memphis Division of Engineering Design and Policy Review Manual. Any required Traffic Impact Study will need to be formally approved by the City of Memphis, Traffic Engineering Department.

Curb Cuts/Access:

- 10. The City Engineer shall approve the design, number and location of curb cuts.
- 11. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.

Drainage:

- 12. A grading and drainage plan for the site shall be submitted to the City Engineer for review and approval prior to recording of the final plat.
- 13. Drainage improvements, including possible on-site detention, shall be provided under a Standard Subdivision contract in accordance with Unified Development Code and the City of Memphis/Shelby County Storm Water Management Manual.
- 14. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.
- 15. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City and/or County Engineer's Office. Such maintenance shall include, but not be limited to removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.
- 16. The developer should be aware of his obligation under 40 CFR 122.26(b)(14) and TCA 69-3-101 et. seq. to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of storm water associated with the clearing and grading activity on this site.

City/County Fire Division: No comments received.

City Real Estate: No comments received.

City/County Health Department: No comments received.

Shelby County Schools: No comments received.

Construction Code Enforcement: No comments received.

Memphis Light, Gas and Water: No comments received.

Office of Sustainability and Resilience: No comments received.

APPLICATION



Memphis and Shelby County Office of Planning and Development CITY HALL 125 NORTH MAIN STREET-SHIFE 477 MEMPHIS, TENNESSEE 38103-2084 (902) 636-6619

APPLICATION FOR SPECIAL USE PERMIT APPROVAL/AMENDMENT

		Case #:	
	PLEASE TYPE O	R PRINT	
Property Owner of Record: Aman Devji		Phone #: 678-570-6327	
Mailing Address: 319 POPLAR VIEW LN W#1		City/State: Collierville TN	Zip 38017
Property Owner E-Mail Address	devjiaman@comcast.ne	et	
Applicant: Neeraj Kumar		Phone # 9016038765	
Mailing Address: 9000 Forest	Hill Irene Cove	City/State: Germantown TN Zip 38139	
Applicant E- Mail Address: nku			
Representative: Neeraj Kumar		Phone #: 90	16038765
Mailing Address: 9000 Forest	Hill Irene Cove	City/State: Germantown T	N Zip 38139
Representative E-Mail Address:		The Control of the Co	
Engineer/Surveyor:	The state of the s	Phone #	
		City/State:	
Engineer/Surveyor E-Mail Addre			
Area in Acres:	Parcel I 1.095	Parcel 2 Parce	13
xisting Zoning:	EMP		
xisting Use of Property	Commerical C store with Pui		
Requested Use of Property	C store with Pui		

Variances: If the Office of Planning and Development (OPD) determines your submitted site plan requires Board of Adjustment (BOA) action on a particular standard of the Unified Development Code, this application will not be heard by the Land Use Control Board (LUCB) until an application is submitted to the BOA. Once a BOA application is received by OPD, OPD will proceed to send any public notices, including neighborhood meeting notification, for the next available LUCB meeting. Notices will not be sent out prior to a BOA application being received. All neighborhood notification and public notices shall meet the timing provided in Sections 9.3.2 and 9.3.4 of the UDC. In lieu of a BOA application being filed, this application for a Special Use Permit may be replaced with an application for a Planned Development within 14 days of the filing deadline for this application, unless the site is located within the Medical Overlay District (see Sec. 8.2.2D of the UDC). If neither a Board of Adjustment nor a Planned Development application is received within 90 days of the filing deadline for this application, then this application shall be considered defective and withdrawn from any future consideration by the Land Use Control Board.

I (we) hereby make application for the Special Use Permit described above and on the accompanying materials. I (we) accept responsibility for any errors or omissions which may result in the postponement of the application being reviewed by the Memphis & Shelby County Land Use Control Board at the next available hearing date. I (We), owner(s) of the above described property hereby authorize the filing of this application and the above named persons to act on my behalf.

Property Owner of Record Date Applicant Date

REQUIREMENTS PRIOR TO APPLICATION SUBMISSION

PRE-APPLICATION CONFERENCE - Not more than six (6) months nor less than five (5) working days prior to filing an application, the applicant shall arrange for a mandatory pre-application conference with OPD.

Pre-Application Conference held on: 04/15/2021 with Lucas Skinner

NEIGHBORHOOD MEETING - At least ten (10) days, but not more than 120 days, prior to a hearing before the Land Use Control Board, the applicant shall provide an opportunity to discuss the proposal with representatives from neighborhoods adjacent to the development site (Section 9.3.2). The following documentation shall be provided to OPD to verify compliance with this requirement: A copy of the letter sent to neighborhood associations and abutting property owners and a copy of the mailing list used to send notice.

Neighborhood Meeting Requirement Met: Yes_Not yet Not yet | Not ye

SIGN POSTING - A sign or signs shall be erected on-site no more than 30 days or less than 10 days prior to the date of the Land Use Control Board hearing. See Sub-Section 9.3.4C of the UDC for further details on sign posting.

9.6.9 Special Use Permit Approval Criteria

No special use permit or planned development shall be approved unless the following findings are made concerning the application:

Please address each sub-section below (Provide additional information on a separate sheet of paper if needed).

 The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare (UDC sub-section 9.6.9A).

The project will not have any undue adverse effect on adjacent properties, the character of the neighborhood. Currently there is a 1587 sf existing structure that was built in 1977. The structure is very old and has many issues. Even the exterior elevations are dated. The new structure will have modern appearance and have brick at all 4 elevations. The site will have

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 The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity
 and not interfere with the development and use of adjacent property in accordance with the applicable district
 regulations (UDC sub-section 9.6.9B).

The project will be a major upgrade for the area. The new structure will have modern appearance and have brick at all 4 elevations. The site will have major upgrade with new gas canopy, new asphalt pavement and new landscape.

 The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or that the applicant will provide adequately for such services (UDC sub-section 9.6.9C).

The property is located at the intersection of Lamar Avenue and Fuller Road. All necessary utilities required to operate a C store with pump is already accessible to the site. The project will served with all necessary utilities.

 The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, seemic or historic importance (UDC sub-section 9.6.9D).

The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance, the existing structure on the property is very old with very unattractive facacde. There is also issue with parking spaces. The demolition of the existing structure will result in overall upgrade of the property.

 The project complies with all additional standards imposed on it by any particular provisions authorizing such use (UDC sub-section 9.6.9E).

The project will meet all standards per UDC.

 The request will not adversely affect any plans to be considered (see UDC Chapter 1.9) or violate the character of existing standards for development of the adjacent properties (UDC sub-section 9.6.9F).

The project will be a major upgrade for the area and will have positive impact on the surroudnings. The building will be modern with use of long lasting materials like brick and EIFS.

LETTER OF INTENT

05/06/2021

Letter of Intent

05/06/2021

Lucas Skinner

Memphis & Shelby County Ofice of Planning & Development

City Hall, 125 N. Main Street, Suite 468

Memphis, Tennessee 38103.

Re: Application for Special Use Permit for 3521 Lamar Road, Memphis TN

Convenience store w/pumps-3521 Lamar Avenue

Dear Mr. Skinner

We are pleased to submit an application for Special Use Permit for allowing a C store with pumps at the above address. The property is zoned EMP. The owner proposes to demolish the existing building and gas canopy and replace with new upgraded building and canopy. The existing gas station is operational. Per my pre-construction meeting with Mr. Lucas Skinner, Planner at DOD, I was advised to apply for SUP permit as the current gas station is not located at the intersection of two collector streets. We also understand that in case this application is rejected, the owner can continue to operate the existing gas station in current setup.

As an architect, I strongly believe that the project will not have any undue adverse effect on adjacent properties, the character of the neighborhood. Currently there is an approx. 1600 SF existing structure that was built in 1977. The structure is old and has many issues. The exterior elevations are dated. Accordingly to the UDC, there are many non-compliant issues such as parking counts, streetscape and landscaping requirements, setback issues, etc. The new development will have quality improvements. The new structure will have modern appearance and have brick at all 4 elevations. The site will have major upgrade with new gas canopy, new asphalt payement and new landscape. Please refer to attached site plan and rendering submitted with this application.

I humbly request you to consider recommending approval of this application to the Land Use Control Board and City Council.

Should you have any questions, feel free to reach out to me.

Thank You

Neeraj Kumar, DESIGN GROUP ARCHITECT

Letter of Intent

05/06/2021

SIGN AFFIDAVIT

	AFFIDAVIT
	Shelby County State of Tennessee I, Neeraj Kumar
	and/or Alley Closure), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto. Compared the sign purchase receipt or rental contract attached hereto.
	My commission expires: 1-35-2024 STATE OF COUNTY AND THE NESSEE PUBLIC NOTARY P
8	

LETTERS RECEIVED

One letter of opposition was received at the time of completion of this report and have subsequently been attached.

Dear Seth,

In reference to the Notice of Public Hearing, case number Sup 2021-012 Please note That we are in opposition to the request made on the site plan on 3521 Lamar Ave for the applicant Neeraj Kumar for convenience store with gas station pumps. Please be advised the our decision was made based on the following findings

- 1- Near the subject location, and in less than quarter of a mile there are already 3 existing gas stations. Loves station, blue station and a Marathon gas station. The short distance between us and the third subject location will make it difficult for all of us to financially benefit as a gas station business. Neither the current economical situation or the location will support. The high running costs and overheads in maintaining a gas station business became relatively high.
- 2- We believe that the area where the subject location is in has enough gas service stations to cater the traffic on Lamar Avenue and the surrounding commercial automotive businesses. We believe that adding another similar business to ours will only cause negative financial hardship to both sides.

We also believe that the neighborhood can benefit from other business ideas for the subject location, that can provide new services to the commercial and the small residential neighborhoods surrounded.

We hope that we were able to explain our concerns and we appreciate your time.

Regards,

Taysir Yousef

(901)246-5458



Memphis and Shelby County Office of Planning and Development CITY HALL 125 NORTH MAIN STREET-SUITE 477 MEMPHIS, TENNESSEE 38103-2084 (901) 636-6619

APPLICATION FOR SPECIAL USE PERMIT APPROVAL/AMENDMENT

Date:		Case #:	
	PLEASE TYPE (DR PRINT	
Property Owner of Record: Ama	n Devji	Phone #: <u>678</u>	3-570-6327
Mailing Address: 319 POPLAR			
Property Owner E-Mail Address:	devjiaman@comcast.ne	et	
Applicant: Neeraj Kumar		Phone # 901	6038765
Mailing Address: 9000 Forest I			
Applicant E- Mail Address: nkun	nar@designgroupmemp	phis.com	
Representative: Neeraj Kumar		Phone #: <u>901</u>	6038765
Mailing Address: 9000 Forest Hill Irene Cove		City/State: Germantown TI	N Zip 38139
Representative E-Mail Address: <u>n</u>			
Engineer/Surveyor:		Phone #	
Mailing Address:		City/State:	Zip
Engineer/Surveyor E-Mail Addres	s:		
Street Address Location:			
Distance to nearest intersecting str	eet:		
Area in Acres: Existing Zoning: Existing Use of Property	Parcel 1 1.095 EMP Commerical	Parcel 2 Parce	13
Requested Use of Property	C store with Pui		
Amendment(s): Any revision to a Minor Modifications shall be properto and requests to exceed 24-month permits shall be processed as major. Unincorporated Areas: For re-	osed as an amendment. Tim n limitation on discontinuan r modifications, subject to the Yes_	e extensions (see Subsection 9.6.1 ce (see Subsection 9.6.14C) of apme provisions of Chapter 9.16. NoX	14B of the UDC) proved special use
Unincorporated Areas: For refollowing information:	sidentiai projects in uni	ncorporated Shelby County,	please provide
Number of Residential Un	its:	Bedrooms:	
Expected Appraised Value	per Unit:	or Total Project:	

Variances: If the Office of Planning and Development (OPD) determines your submitted site plan requires Board of Adjustment (BOA) action on a particular standard of the Unified Development Code, this application will not be heard by the Land Use Control Board (LUCB) until an application is submitted to the BOA. Once a BOA application is received by OPD, OPD will proceed to send any public notices, including neighborhood meeting notification, for the next available LUCB meeting. Notices will not be sent out prior to a BOA application being received. All neighborhood notification and public notices shall meet the timing provided in Sections 9.3.2 and 9.3.4 of the UDC. In lieu of a BOA application being filed, this application for a Special Use Permit may be replaced with an application for a Planned Development within 14 days of the filing deadline for this application, unless the site is located within the Medical Overlay District (see Sec. 8.2.2D of the UDC). If neither a Board of Adjustment nor a Planned Development application is received within 90 days of the filing deadline for this application, then this application shall be considered defective and withdrawn from any future consideration by the Land Use Control Board.

I (we) hereby make application for the Special Use Permit described above and on the accompanying materials. I (we) accept responsibility for any errors or omissions which may result in the postponement of the application being reviewed by the Memphis & Shelby County Land Use Control Board at the next available hearing date. I (We), owner(s) of the above described property hereby authorize the filing of this application and the above named persons to act on my behalf.

Property Owner of Record Date Applicant Date

REQUIREMENTS PRIOR TO APPLICATION SUBMISSION

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Pre-Application Conference held on: 04/15/2021 with Lucas Skinner

NEIGHBORHOOD MEETING – At least ten (10) days, but not more than 120 days, prior to a hearing before the Land Use Control Board, the applicant shall provide an opportunity to discuss the proposal with representatives from neighborhoods adjacent to the development site (Section 9.3.2). The following documentation shall be provided to OPD to verify compliance with this requirement: A copy of the letter sent to neighborhood associations and abutting property owners and a copy of the mailing list used to send notice.

Neighborhood Meeting Requirement Met: Yes____ Not yet X____ (If yes, documentation must be included with application materials)

SIGN POSTING – A sign or signs shall be erected on-site no more than 30 days or less than 10 days prior to the date of the Land Use Control Board hearing. See Sub-Section 9.3.4C of the UDC for further details on sign posting.

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• The project will have modern appearance and have brick at all 4 elevations. The site will have the project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations (UDC sub-section 9.6.9B).

The project will be a major upgrade for the area. The new structure will have modern appearance and have brick at all 4 elevations. The site will have major upgrade with new gas canopy, new asphalt pavement and new landscape.

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The property is located at the intersection of Lamar Avenue and Fuller Road. All necessary utilities required to operate a C store with pump is already accessible to the site. The project will served with all necessary utilities.

- The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance (UDC sub-section 9.6.9D).
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The project will meet all standards per UDC.

- The request will not adversely affect any plans to be considered (see UDC Chapter 1.9) or violate the character of existing standards for development of the adjacent properties (UDC sub-section 9.6.9F).
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Letter of Intent

05/06/2021

Lucas Skinner

Memphis & Shelby County Ofice of Planning & Development

City Hall, 125 N. Main Street, Suite 468

Memphis, Tennessee 38103

Re: Application for Special Use Permit for 3521 Lamar Road, Memphis TN

Convenience store w/pumps-3521 Lamar Avenue

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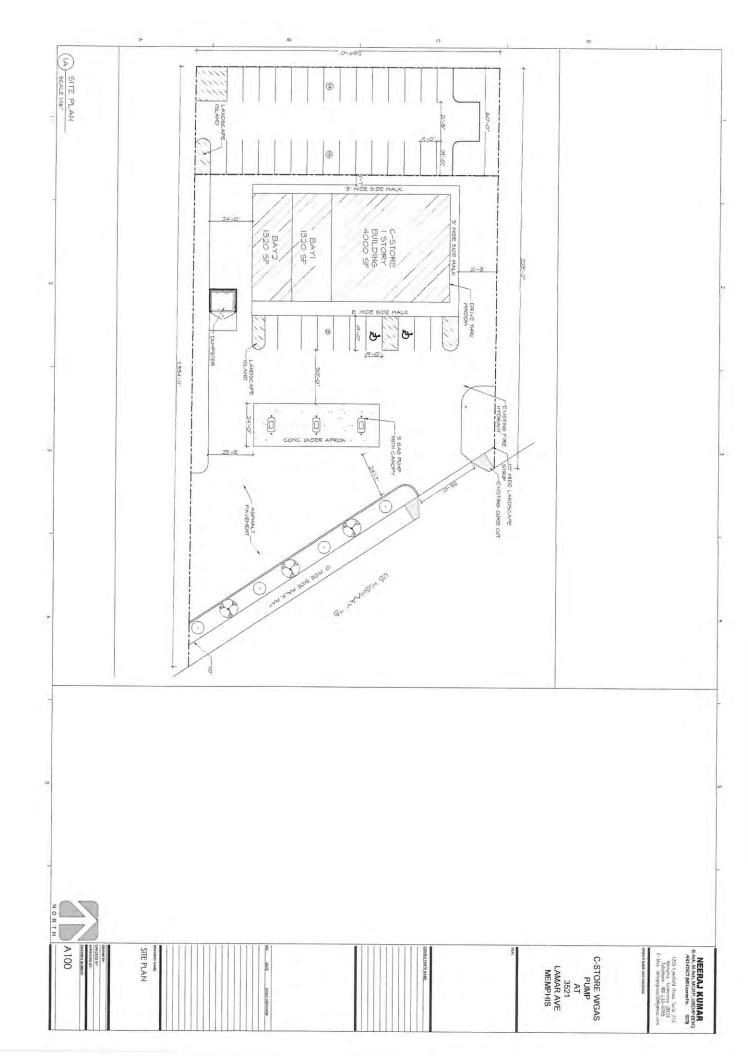
I humbly request you to consider recommending approval of this application to the Land Use Control Board and City Council.

Should you have any questions, feel free to reach out to me.

Thank You

Neeraj Kumar, DESIGN GROUP ARCHITECT

Letter of Intent 05/06/ 2021





As evidenced by the instrument number shown below, this document has been recorded as a permanent record in the archives of the Office of the Shelby County Register.

16125	
12/08/2016	02:37 PN
4 PGS	
MELISA 1541697-16125248	
VALUE	263000.0
MORTGAGE TAX	0.0
TRANSFER TAX	973.1
RECORDING FEE	20.0
OP FEE	2.0
REGISTER'S FEE	1.0
WALK THRU FEE	0.0
TOTAL AMOUNT	996.1

WARRANTY DEED

THIS INDENTURE, made and entered into as of the 1st day of November, 2016, by and between AMERICAN PROPERTIES CO., G.P., a Tennessee general partnership, party of the first part, and SOLOMON DEGEFU, party of the second part.

WITNESSETH: That for and in consideration of Ten Dollars (\$10.00) cash in hand paid, and other good and valuable considerations, the receipt of all of which is hereby acknowledged, the said party of the first part has bargained and sold and does hereby bargain, sell, convey and confirm unto the said party of the second part the following described real estate, situated and being in the County of Shelby, State of Tennessee, to-wit:

Part of Lot 4, Underberg Commercial Subdivision, as shown on plat of record in Plat Book 67, page 13, in the Register's Office of Shelby County, Tennessee, and being more particularly described as follows: Beginning at a 1/2" iron rod found at the northeast corner of Lot 4, Underberg Commercial Subdivision as recorded in Plat Book 67, page 13, said point being in the westerly line of Lamar Avenue (120' R.O.W.); thence S 29°44'00"E, along said westerly sideline of Lamar Avenue, a distance of 205.67' to a found cotton picker spindle at the southeast corner of Lot 4; thence N 85°51'10" W, along the line dividing Lots 3 and 4, a distance of 311.48' to a point 1.0' east of a one-story concrete tilt-up-building; thence N 04°05'59"E, and parallel said [sic] building, a distance of 169.67' to a point in the northerly line of Lot 4; thence S86°09'55"E, along said northerly line of Lot 4, a distance of 196.97' to a point which is the point of beginning. [THIS DESCRIPTION TAKEN FROM SURVEY DATED OCTOBER 14, 2016 OF ROBERT W. ESTES, LICENSE NO. 1566, PARKER, ESTES & ASSOCIATES, INC., 3460 RIDGE MEADOW PARKWAY, MEMPHIS, TENNESSEE 38115, AS ATTACHED HERETO.

Being part of the same property conveyed to party of the first part herein by Quit Claim Deed of record as Instrument No. GP 3307 in the Register's Office of Shelby County, Tennessee.

The property herein conveyed is subject to the following: 2017 Shelby County taxes and 2017 City of Memphis taxes, not yet due and payable, which party of the second part assumes and agrees to pay, and subject to subdivision restrictions, building lines and easements of record in Plat Book 67, page 13, and easements of record in Instrument Nos. F8 6629, F9 5725, G1 0275, and R8 2457 as shown on said survey; all in the Register's Office of Shelby County, Tennessee, and subject to rights of tenants in possession under unrecorded leases.

The attached survey shows an unrecorded easement for water main. Grantor and his successors and assigns acknowledge such easement and shall not do anything to the property to interfere with such easement.

Said survey also shows an ingress-egress and parking easement located on the west side of the property. This is designated as a "no build" area and may be used for parking only by the owners, lessees, employees, customers and invitees of Lot 1 and Lot 3. Grantee and his successors and assigns agree that no structure may be placed upon such area and that it shall be used only for parking by Lot 1 and Lot 3.

The survey also shows a sanitary sewer line running northeasterly from Lot 3 to subject property. As part of the sewer line, there is a lift pump located on Lot 3 for the benefit of Lot 4. Grantee and his successors and assigns shall maintain such sewer line and shall pay a reasonable amount to owner of Lot 3 for the costs of utilities used in the operation of such pump.

TO HAVE AND TO HOLD the aforesaid real estate, together with all the appurtenances and hereditaments thereunto belonging or in any wise appertaining unto the said party of the second part, his heirs, successors and assigns in fee simple forever.

The said party of the first part does hereby covenant with the said party of the second part that it is lawfully seized in fee of the aforedescribed real estate; that it has a good right to sell and convey the same; that the same is unencumbered, except as set out hereinabove; and that the title and quiet possession thereto it will warrant and forever defend against the lawful claims of all persons.

The word "party" as used herein shall mean "parties" if it refers to more than one person or entity, and pronouns shall be construed according to their proper gender and number according to the context hereof.

IN TESTIMONY WHEREOF, the said AMERICAN PROPERTIES CO., G.P., a Tennessee general partnership, has caused its name to be signed hereto by and through its proper officers duly authorized so to do as of the 1st day of November, 2016.

AMERICAN PROPERTIES CO., G.P.

BY: UNDERBERG PROPERTIES MANAGEMENT,

LLC, a Tennessee limited liability company, its

Managing General Partner

By:

RONALD P. UNDERBERG, Chief

Manager

STATE OF TENNESSEE COUNTY OF SHELBY

Before me, the undersigned Notary Public of the State and County aforesaid, personally appeared RONALD P. UNDERBERG, with whom I am personally acquainted and who, upon oath, acknowledged himself to be the Chief Manager of UNDERBERG PROPERTIES MANAGEMENT, LLC, a Tennessee limited liability company, which is the Managing General Partner of AMERICAN PROPERTIES CO., G.P., a Tennessee general partnership, the within named bargainor, and that he, as such Chief Manager of said Managing General Partner, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of AMERICAN PROPERTIES CO., G.P., a Tennessee general partnership, by UNDERBERG PROPERTIES MANAGEMENT, LLC, a Tennessee limited liability company, its Managing General Partner, by himself as such Chief Manager.

MY COMMISSION EXPIRES:

WITNESS my hand at office this 29 day of November, 2016.

Notary Publi

PROPERTY ADDRESS: 3521 Lamar Avenue

My commission expires:

Memphis, Tennessee

MAIL TAX NOTICES TO: AMERICAN PROPERTIES CO., G.P. 5720 Stage Road, Suite E Bartlett, Tennessee 38134

NAME AND ADDRESS OF PROPERTY OWNER(S):

SOLOMON DEGEFU

591 Wesley Woods Dr. Memphis, TN 38118 THIS INSTRUMENT PREPARED BY AND RETURN TO:
ALLEN C. DUNSTAN
HARKAVY SHAINBERG KAPLAN &
DUNSTAN PLC
6060 Poplar Avenue, Suite 140
Memphis, Tennessee 38119

T.G. No. N/A

Tax Parcel No.: 073001 00059

File No. 16107977

State Tax	S
Register's Fee	\$
Recording Fee	\$
TOTAL	\$

l, or we, hereby swear or affirm that, to the best of affiant's knowledge, information and belief, the actual consideration for this transfer or value of the property transferred, whichever is greater, is \$263,000.00, which amount is equal to or greater than the amount which the property would command at a fair and voluntary sale.

Affiant,

Sworm o and sul

My commission expires:

R:/ACD/Cases/American/Degefu-Warranty/Dege

(FOR RECORDING DATA ONLY)

CITY OF MEMPHIS COUNCIL AGENDA CHECK OFF SHEET

COUNCIL AGENDA CHECK OFF SHEET ONE ORIGINAL I Planning & Development ONLY STAPLED DIVISION TO DOCUMENTS Planning & Zoning COMMITTEE: 07/08/2021 DATE PUBLIC SESSION: 07/08/2021 DATE ITEM (CHECK ONE) ORDINANCE CONDEMNATIONS GRANT ACCEPTANCE / AMENDMENT RESOLUTION **GRANT APPLICATION** REQUEST FOR PUBLIC HEARING OTHER: A resolution approving a Special Use Permit. The item was heard and a recommendation was made by the ITEM DESCRIPTION: Memphis & Shelby County Land Use Control Board. CASE NUMBER: SUP 21-15 **DEVELOPMENT:** New Office Building LOCATION: 3543 Covington Pike **COUNCIL DISTRICTS:** District 1 and Super District 9 - Positions 1, 2, and 3 OWNER/APPLICANT: James Wright, LLC REPRESENTATIVE: Carmichael Johnson **EXISTING ZONING:** Residential Urban - 3 (RU-3) REQUEST: To allow for a new Office Building AREA: +/-1.38 acres RECOMMENDATION: The Division of Planning and Development recommended Approval with conditions The Land Use Control Board recommended Approval with conditions RECOMMENDED COUNCIL ACTION: Public Hearing Not Required PRIOR ACTION ON ITEM: APPROVAL - (1) APPROVED (2) DENIED 07/08/2021 DATE (1) Land Use Control Board ORGANIZATION - (1) BOARD / COMMISSION (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE FUNDING: (2)REQUIRES CITY EXPENDITURE - (1) YES (2) NO AMOUNT OF EXPENDITURE REVENUE TO BE RECEIVED SOURCE AND AMOUNT OF FUNDS OPERATING BUDGET CIP PROJECT # FEDERAL/STATE/OTHER **POSITION** PRINCIPAL PLANNER DEPUTY ADMINISTRATOR ADMINISTRATOR DIRECTOR (JOINT APPROVAL) COMPTROLLER FINANCE DIRECTOR CITY ATTORNEY

CHIEF ADMINISTRATIVE OFFICER

COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

SUP 21-15

Resolution requesting a new Office Building in the RU-3 Zoning District.

- This item is a resolution with conditions for a special use permit to allow the above; and
- The Division of Planning & Development at the request of the Owner(s)/Applicant(s): James Wright, LLC and Representative(s): Carmichael Johnson; and
- Approval of this special use permit will be reflected on the Memphis and Shelby County Zoning Atlas; and
- The item may require future public improvement contracts.

RESOLUTION APPROVING A SPECIAL USE PERMIT AT THE SUBJECT PROPERTY LOCATED AT 3543 COVINGTON PIKE, KNOWN AS CASE NUMBER SUP 21-15.

WHEREAS, Chapter 9.6 of the Memphis and Shelby County Unified Development Code, being a section of the Joint Ordinance Resolution No. 5367, dated August 10, 2010, authorizes the Council of the City of Memphis to grant a special use permit for certain stated purposes in the various zoning districts; and

WHEREAS, James Wright, LLC filed an application with the Memphis and Shelby County Office of Planning and Development to allow a new Office Building in Residential Urban -3 (RU-3) Zoning District; and

WHEREAS, the Division of Planning and Development has received and reviewed the application in accordance with procedures, objectives, and standards for special use permits as set forth in Chapter 9.6 with regard to the proposed development's impacts upon surrounding properties, availability of public facilities, both external and internal circulation, land use compatibility, and that the design and amenities are consistent with the public interest; and has submitted its findings and recommendation concerning the above considerations to the Land Use Control Board; and

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on July 8, 2021, and said Board has submitted its findings and recommendation concerning the above considerations to the Council of the City of Memphis; and

WHEREAS, the Council of the City of Memphis has reviewed the aforementioned application pursuant to Tennessee Code Annotated Section 13-4-202(B)(2)(B)(iii) and has determined that said development is consistent with the Memphis 3.0 General Plan; and

WHEREAS, the Council of the City of Memphis has reviewed the recommendation of the Land Use Control Board and the report and recommendation of the Division of Planning and Development and has determined that said development meets the objectives, standards and criteria for a special use permit, and said development is consistent with the public interests.

NOW, THEREFORE, BE IT RESOLVED, BY THE COUNCIL OF THE CITY OF MEMPHIS, that, pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code, a special use permit is hereby granted for the request use in accordance with the attached conditions.

BE IT FURTHER RESOLVED, that this permit merely authorizes the filing of applications to acquire a Certificate of Use and Occupancy, or a Building Permit, and other required permits and approvals, provided that no such Certificate of Use and Occupancy shall be granted until all conditions imposed by the Council of the City of Memphis have been met.

BE IT FURTHER RESOLVED, that this Resolution take effect from and after the date it shall have been passed by this Council of the City of Memphis, and become effective as otherwise provided by law, and thereafter shall be treated as in full force and effect by virtue of passage thereof by the Council of the City of Memphis, the public welfare requiring same.

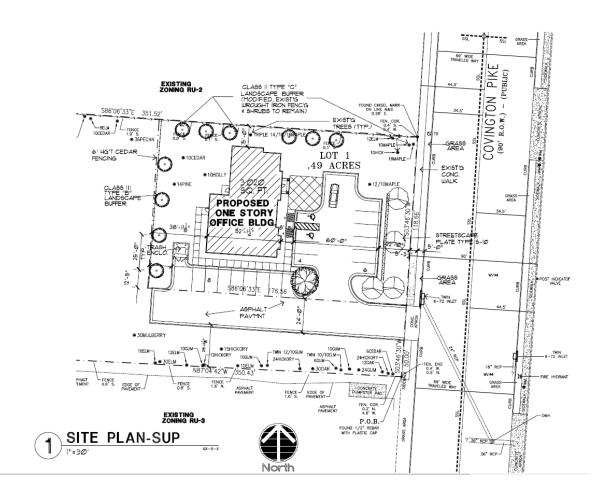
ATTEST:

CC: Division of Planning and Development
- Land Use and Development Services
- Office of Construction Enforcement

CONDITIONS

- 1. A landscape plan shall be submitted for administrative review and approval by the Division of Planning and Development.
- 2. Any new construction shall comply with development standards of the RU-3 Zoning District Nonresidential Uses in Sub-Section 3.7.3A.
- 3. Parking setbacks shall align with front building setback in all Residential Urban (RU) districts in accordance with the Unified Development Code (UDC) under Sub-Section 3.7.3A Nonresidential Uses table.
- 4. The disposable of trash for offices shall be in an enclosed area located in or near the rear of the proposed office building.
- 5. All signs shall be in accordance with the Unified Development Code (UDC) Sub-Section 4.9.7B for sign standards in a Residential Urban 3 (RU-3) zoning district regulations.
- 6. Future modifications to the site plan will not require re-recording of the site plan unless additional uses/activities are being added that beyond the scope of all prior approvals for the site or this approval.

SITE PLAN



LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on *Thursday, July 8, 2021*, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: SUP 21-15

LOCATION: 3543 Covington Pike

COUNCIL DISTRICT(S): District 1 and Super District 9 – Positions 1, 2, and 3

OWNER/APPLICANT: James Wright, LLC

REPRESENTATIVE: Carmichael Johnson

REQUEST: To allow for a new Office Building

EXISTING ZONING: Residential Urban – 3 (RU-3)

AREA: +/-1.38 acres

The following spoke in support of the application: None

The following spoke in opposition the application: None

The Land Use Control Board reviewed the application and the staff report. A motion was made and seconded to recommend approval with conditions.

The motion passed by a vote of 9-0 on the consent agenda.

Respectfully,

Teresa H. Shelton

Jana H. Shita

Municipal Planner

Land Use and Development Services

Division of Planning and Development

Cc: Committee Members

File

dpd STAFF REPORT

AGENDA ITEM: 19

CASE NUMBER: SUP 21-15 L.U.C.B. MEETING: July 8, 2021

LOCATION: 3543 Covington Pike

COUNCIL DISTRICT: District 1 and Super District 9 – Positions 1, 2, and 3

OWNER/APPLICANT: James Wright, LLC

REPRESENTATIVE: Carmichael Johnson

REQUEST: To allow for a new Office Building in the RU-3 Zoning District

AREA: +/-1.38 acres

EXISTING ZONING: Residential Urban – 3 (RU-3)

CONCLUSIONS

- 1. The applicant is to allow for a new office building in the Residential Urban -3 (RU-3) zoning district.
- 2. This project will consist of an accounting firm that will supply office space for the petitioner's accounting practice and two (2) other professional businesses, i.e., lawyer, realtor, and/or insurance broker. The structure will be approximately 3,500 square feet.
- 3. This project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.

CONSISTENCY WITH MEMPHIS 3.0

This proposal is consistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages 11-13 of this report.

RECOMMENDATION

Approval with conditions

Staff Writer: Teresa Shelton E-mail: teresa.shelton@memphistn.gov

GENERAL INFORMATION

Street Frontage:

Covington Pike

+/-175.5 curvilinear feet

Zoning Atlas Page:

1745

Parcel ID:

087076 00008

Existing Zoning:

Residential Urban – 3 (RU-3)

NEIGHBORHOOD MEETING

The telephonic meeting was held at 4:00 PM on Tuesday, June 22, 2021, at:

Telephone # 617-793-8176

Access Code: NO ACCESS CODE NEEDED

PUBLIC NOTICE

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 154 were mailed on June 22, 2021, and a total of 1 sign posted at the subject property. The sign affidavit has been added to this report.

AFFIDAVIT

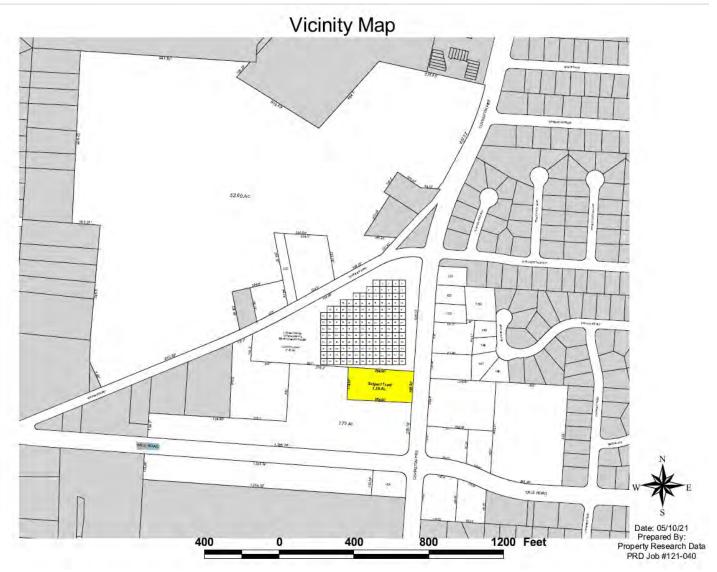
Shelby County
State of Tennessee
I, A Carmichael Johnson being duly sworn, depose and say that at 5:30pm am/pn on the 9th day of June 2021 I posted 1 Public Notice Sign(s pertaining to Case No. SUP2021-15 at 3543 Covington Pike . Memphis, TN 38128
providing notice of a Public Hearing before the X Land Use Control Board X Memphis City Council, Shelby County Board of Commissioners for consideration of a proposed Land Use Action (X Planned Development X Special Use Permit, Zoning District Map Amendment, Street and/or Alley Closure), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.
10 JUNE 2021
Owner, Applicant or Representative Date
Subscribed and sworn of before me this 10th day of fine 20 21.
Notary Public 10/11
My commission expires: 10 17 2033

LOCATION MAP



Subject property located within the pink circle.

VICINITY MAP



Subject site highlighted in yellow

AERIAL MAP



Subject property outlined in orange

ZONING MAP



Subject property indicated by a pink star

Existing Zoning: Residential Urban -3 (RU-3)

Surrounding Zoning

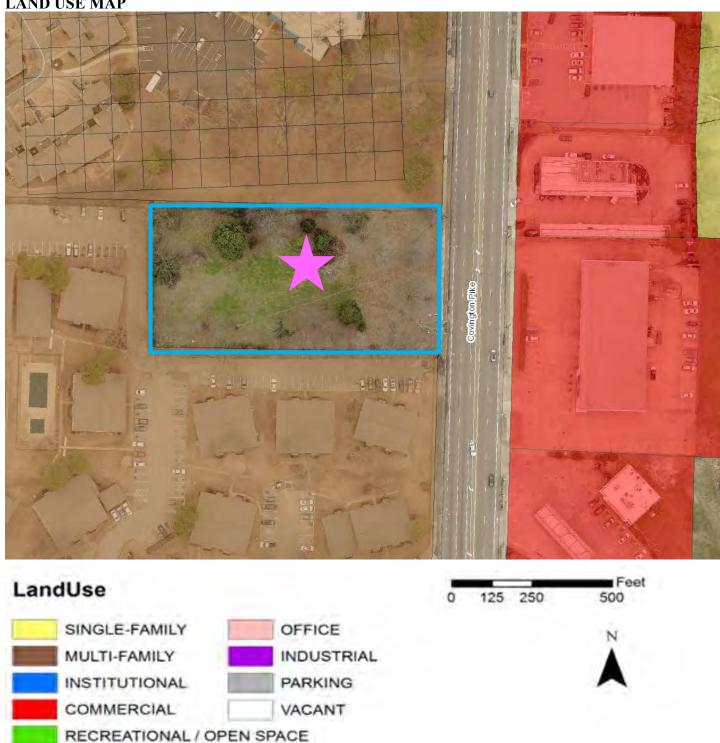
North: RU-2

East: CMU-2

South: RU-2

West: R-10

LAND USE MAP



Subject property outlined in electric blue and indicated by a pink star

SITE PHOTOS



View of subject property from Covington Pike looking north



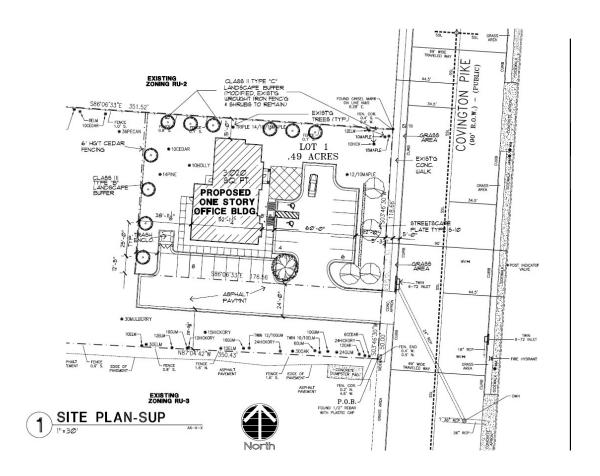
View of subject property from The Cove Apartments parking lot looking east

Staff Report
SUP 21-15
July 8, 2021
Page 9



Aerial view of subject property from Google Earth indicated by the pink star

SITE PLAN



STAFF ANALYSIS

Request

The application and letter of intent have been added to this report.

The request is to allow for a new office building in the Residential Urban -3 (RU-3) zoning district.

Approval Criteria

Staff agrees the approval criteria in regard special use permits as set out in Section 9.6.9 of the Unified Development Code are met.

9.6.9 Approval Criteria

No special use permit or planned development shall be approved unless the following findings are made concerning the application:

9.6.9A	The project will not have a substantial or undue adverse effect upon adjacent property, the
	character of the neighborhood, traffic conditions, parking, utility facilities and other matters
	affecting the public health, safety, and general welfare.
0.60D	

9.6.9B	The project will be constructed, arranged and operated so as to be compatible with the immediate
	vicinity and not interfere with the development and use of adjacent property in accordance with
	the applicable district regulations.

9.6.9C	The project will be served adequately by essential public facilities and services such as streets,
	parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or
	that the applicant will provide adequately for such services.

9.6.9D	The project will not result in the destruction, loss or damage of any feature determined by the
	governing bodies to be of significant natural, scenic or historic importance.

9.6.9E	The project complies with all additional standards imposed on it by any particular provisions
	authorizing such use.

9.6.9F	The request will not adversely affect any plans to be considered (see Chapter 1.9), or violate the
	character of existing standards for development of the adjacent properties

9.6.9G	The governing bodies may impose conditions to minimize adverse effects on the neighborhood or
	on public facilities, and to insure compatibility of the proposed development with surrounding
	properties, uses, and the purpose and intent of this development code.

9.6.9H Any decision to deny a special use permit request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record, per the Telecommunications Act of 1996, 47 USC 332(c)(7)(B)(iii). The review body may not take into account any environmental or health concerns.

Consistency with Memphis 3.0

Staff uses the following criteria contained in Memphis 3.0 to determine consistency.

Comprehensive Planning Review

This summary is being produced in response to the following application to support the Office of Planning & Development in their recommendation: <u>LUCB SUP 2021-15.</u>

Site Address/location: 3543 Covington Pike

Land Use Designation (see page 88 for details): Primarily Multi-Family Neighborhood

Based on the future land use and degree of change map the proposal <u>IS CONSISTENT</u> with the Memphis 3.0 Comprehensive Plan.

The following information about the land use designation can be found on pages 76 - 122:

1. FUTURE LAND USE PLANNING MAP



Red square indicates the application site on the Future Land Use Map.

2. Land use description & applicability:

Multifamily Neighborhoods are characterized by their house and block size buildings that are a combination of attached, detached and semi-attached homes. These neighborhoods are major residential hubs that consist of apartment complexes and condominiums and located greater than a 10 – minute walk outside of the closest anchor.



"NM" Goals/Objectives:

Preservation/maintenance of existing multi-family housing

"NM" Form & Location Characteristics:

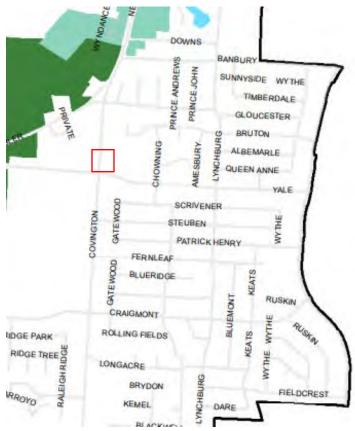
Attached, semi-detached, and detached; House-scale and some block-scale building, primarily residential with mixed use encouraged along avenues, boulevards and parkways as identified in the Street Types Map, 1-3 + stories height, beyond ½ mile from a Community Anchor.

The applicant is seeking approval to construct an office building. The proposal meets the criteria in height and scale. While, the proposed use of the building does not meet the criteria of the future land use, surrounding parcels are multifamily and commercial uses. Allowing a professional office building will not disrupt the current character of the neighborhood. Therefore, the proposal is consistent.

3. Existing, Adjacent Land Use and Zoning

The subject site is surrounded by the following land uses: Residential, Commercial and Office. The subject site is surrounded by the following zoning districts: RU-2, RU-3, OG, CMU-2. This requested use is compatible with the adjacent land use because *existing land use surrounding the parcels is similar in nature to the requested use*.

4. Degree of Change Map



Red square denotes the proposed site on the map. There is no degree of change.

Based on the information provided, the proposal <u>IS CONSISTENT</u> with the Memphis 3.0 Comprehensive Plan.

Summary Compiled by: Giahanna Bridges, Comprehensive Planning.

Conclusions

The applicant is to allow for a new office building in the Residential Urban -3 (RU-3) zoning district.

This project will consist of an accounting firm that will supply office space for the petitioner's accounting practice and two (2) other professional businesses, i.e., lawyer, realtor, and/or insurance broker. The structure will be approximately 3,500 square feet.

This project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.

RECOMMENDATION

Staff recommends approval with conditions.

Conditions

- 1. This approval is conditioned upon the submitted site plan and approval by the Division of Planning and Development.
- 2. Any new construction shall comply with development standards of the RU-3 Zoning District Nonresidential Uses in Sub-Section 3.7.3A.
- 3. Parking setbacks shall align with front building setback in all Residential Urban (RU) districts in accordance with the Unified Development Code (UDC) under Sub-Section 3.7.3A Nonresidential Uses table.
- 4. All signs shall be in accordance with the Unified Development Code (UDC) Sub-Section 4.9.7B for sign standards in a Residential Urban 3 (RU-3) zoning district regulations.

DEPARTMENTAL COMMENTS

The following comments were provided by agencies to which this application was referred:

City/County Engineer: See comments from Case # S 21-023

City/County Fire Division: See comments from Case # S 21-023

City Real Estate: No comments received.

City/County Health Department: No comments received.

Shelby County Schools: No comments received.

Construction Code Enforcement: No comments received.

Memphis Light, Gas and Water: No comments received.

Office of Sustainability and Resilience: No comments received.

Office of Comprehensive Planning: No comments received.

APPLICATION



Memphis and Shelby County Office of Planning and Development CITY HALL 125 NORTH MAIN STREET-SUITE 477 MEMPHIS, TENNESSEE 38103-2084 (901) 636-6619

APPLICATION FOR SPECIAL USE PERMIT APPROVAL/AMENDMENT

ht 05 ght@thewrightsolutions.net	City/State:	Phone #	
	City/State		901.363.1544
ght@thewrightsolutions.net		Memphis, TN	Zip 38134
		Phone #	901.363.1544
5			
		Phone #:	901.486.4368
	City/State:		
			3.
		Phone # 90	01.565.5555
	city/otate.	22012002	
±			
Parcel 1	Parcel 2		arcel 3
Parcel I	- 470	Pa	arcel 3
Parcel 1	- 470	Pa	
	ewrightsolutions.net michaelj@att.net COMPANY, LLC jason@ollarsurveying.com Suite 250, Eads,TN 38028	City/State: City/State: michaelj@att.net COMPANY, LLC City/State: jason@ollarsurveying.com Suite 250, Eads, TN 38028	Phone #: 9 City/State: Memphis, TN michaelj@att.net COMPANY, LLC Phone # 90 City/State: Eads, TN jason@ollarsurveying.com

Variances: If the Office of Planning and Development (OPD) determines your submitted site plan requires Board of Adjustment (BOA) action on a particular standard of the Unified Development Code, this application will not be heard by the Land Use Control Board (LUCB) until an application is submitted to the BOA. Once a BOA application is received by OPD, OPD will proceed to send any public notices, including neighborhood meeting notification, for the next available LUCB meeting. Notices will not be sent out prior to a BOA application being received. All neighborhood notification and public notices shall meet the timing provided in Sections 9.3.2 and 9.3.4 of the UDC. In lieu of a BOA application being filed, this application for a Special Use Permit may be replaced with an application for a Planned Development within 14 days of the filing deadline for this application, unless the site is located within the Medical Overlay District (see Sec. 8.2.2D of the UDC). If neither a Board of Adjustment nor a Planned Development application is received within 90 days of the filing deadline for this application, then this application shall be considered defective and withdrawn from any future consideration by the Land Use Control Board.

I (we) hereby make application for the Special Use Permit described above and on the accompanying materials. I (we) accept responsibility for any errors or omissions which may result in the postponement of the application being reviewed by the Memphis & Shelby County Land Use Control Board at the next available hearing date. I (We), owner(s) of the above described property hereby authorize the filing of this application and the above named persons to act on my behalf.

James Wright	5/27/2021	James Wright	5/27/2021
Property Owner of Record	Date	Applicant	Date

REQUIREMENTS PRIOR TO APPLICATION SUBMISSION

PRE-APPLICATION CONFERENCE - Not more than six (6) months nor less than five (5) working days prior to filing an application, the applicant shall arrange for a mandatory pre-application conference with OPD.

Pre-Application Conference held on: _____with_

Control of the contro			
NEIGHBORHOOD MEETING - At least ten (10) days,	but not more	than 120 days, prior to	a hearing before
the Land Use Control Board, the applicant shall pro representatives from neighborhoods adjacent to the			
documentation shall be provided to OPD to verify compliant neighborhood associations and abutting property owners an	nce with this r	equirement: A copy o	f the letter sent to
Neighborhood Meeting Requirement Met:	Yes	Not yet	

SIGN POSTING - A sign or signs shall be erected on-site no more than 30 days or less than 10 days prior to the date of the Land Use Control Board hearing. See Sub-Section 9.3.4C of the UDC for further details on sign posting.

(If yes, documentation must be included with application materials)

9.6.9 Special Use Permit Approval Criteria

No special use permit or planned development shall be approved unless the following findings are made concerning the application:

Please address each sub-section below (Provide additional information on a separate sheet of paper if needed).

- The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare (UDC sub-section 9.6.9A).
 - THIS PROJECT WILL NOT HAVE ANY ADVERSE EFFECT ON NEIGHBORHOOD CONDITIONS, BUT RATHER CREATE AN ENHANCED POSITIVE CHARACTER THE COMMUNITY AND ITS SURROUNDING WILL BENEFIT FROM, IN ACCORDANCE TO UDC SUB-SECTION 9.6.9A.
- The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity
 and not interfere with the development and use of adjacent property in accordance with the applicable district
 regulations (UDC sub-section 9.6.9B).
 - THE PROJECT'S CONSTRUCTION WILL BLEND CONGRUENTLY, NOT TO IMPEDED OR OBSTRUCT THE STABILITY OF THE SURROUNDING PROPERTY IN CONFORMITY WITH THE APPLICABLE DISTRICT REGULATIONS AND ADMINSTRATION IN ACCORDANCE TO UDC SUB-SECTION 9.6.9A.
- The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or that the applicant will provide adequately for such services (UDC sub-section 9.6.9C).
 - THE PROJECT WILL BE APPROPRIATELY SERVICED BY ALL FUNDAMENTAL AND MANDATORY PUBLIC FACILITIES OR PETITIONER WILL PROVIDE SUCH SERVICES IN ACCORDANCE TO UDC SUB-SECTION 9.6.9C.
- The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance (UDC sub-section 9.6.9D).
 ONE OF THE PROJECT'S MAJOR GOALS IS TO PROCEED WITH ALL DUE CARE AND DILLIGENCE. RUNIATION OF ANY SYMBOLIC FEATURE; NATURAL, SCENIC OR HISTORIC, AS DETERMINDED BY THE GOVERINING BODIES, WILL IN NO WAY BE TOLERATED IN ACCORDANCE TO UDC SUB-SECTION 9.6.9D.
- The project complies with all additional standards imposed on it by any particular provisions authorizing such use (UDC sub-section 9.6.9E).
 - THE PROJECT WILL ADHERE WITH ALL REGULATORY AND ANY SUPPLEMENTARY REQUIREMENTS AUTHORIZED AS SUCH IN ACCORDANCE TO UDC SUB-SECTION 9.6.9E.
- The request will not adversely affect any plans to be considered (see UDC Chapter 1.9) or violate the
 character of existing standards for development of the adjacent properties (UDC sub-section 9.6.9F).
 THIS PROPOSAL WILL NOT BE CONTRARY TO ANY DESIGNED PLANS OR BREACH THE CHARACTER
 OF CURRENT NORMS FOR DEVELOPMENT OF ANY CONTINGENT PROPERTIES IN ACCORDANCE TO
 UDC SUB-SECTION 9.6.9F.

LETTER OF INTENT

JAMES WRICHT, CPA

2868 Summer Oaks Drive Suite 105 Bartlett, TN 38134

Land Use & Development Services 125 North Main St. – Suite 477 Memphis, TN 38103 – 2084 / 901-636-6619

Dear Sir or Madam:

Please allow this correspondence to serve as a "letter of intent" to develop a 1.38-acre lot located at 3543 Covington Pike, Memphis, TN 38128.

The nature of this construction venture is to augment, an already stable and vibrant community, with an additional useful component; accounting firm surrounded by residential apartment complexes.

The accounting firm construct will supply office space for the petitioner's accounting practice and two (2) other professional businesses, i.e., lawyer, realtor, and/or insurance broker. The structure will encompass approximately 3,500 square feet.

Residential complex will serve as additional affordable housing for neighborhood and community citizens.

Albeit the ensuing individuals are tentative and incomplete, the list of professionals associated with the project consist of the following:

- Mr. Carmichael Johnson Planning
- · Mr. Terrell Clark Architect
- Mr. Richard Molenaar Architect
- Delgado General Grading & Drainage Contractor
- Toles Construction Co., Inc. General Contractor
- · Ollar Surveying Civil Engineering

The proposed development intends to pursue and remain complicit, with all due diligence, perform in conformity with all City of Memphis and County of Shelby regulations and ordnances. The petitioner, by virtue of his profession, understands the importance of contributing to the municipal's tax base. The project will follow the ongoing pattern of city beautification, community stability and neighborhood involvement.

The project, through its completion, will not impeded, re-arrange or subjugate any planned government policies and procedures. The development will be designed and arranged only to implement a positive community resonance.

The objectives will be achieved by utilizing and establishing a conscientious team of construction professionals.

Thank you for your consideration.

Sincerely

James Wright

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

·
I, A Carmichael Johnson being duly sworn, depose and say that at 5:30pm am/pm
on the 9th day of June 2021, I posted 1 Public Notice Sign(s)
pertaining to Case No. SUP2021-15 at 3543 Covington Pike, Memphis, TN 38128
providing notice of a Public Hearing before the x Land Use Control Board,
xMemphis City Council,Shelby County Board of Commissioners for
consideration of a proposed Land Use Action (x Planned Development,
x Special Use Permit, Zoning District Map Amendment, Street
and/or Alley Closure), a photograph of said sign(s) being attached hereon and a copy of
the sign purchase receipt or rental contract attached hereto.
10 JUNE 2021
Owner, Applicant or Representative Date
Subscribed and sworn to before me this 10th day of
Notary Public age NELL 193
Notary Public My commission expires: 10 17 2033 My commission expires: 10 17 2033

LETTERS RECEIVED

No letters received at the time of completion of this report.



City Hall – 125 N. Main Street, Suite 468 – Memphis, Tennessee 38103 – (901) 636-6619

July 16, 2021

James Wright, LLC 2868 Summer Oaks #105 Memphis, TN 38134

Sent via electronic mail to: jwright@thewrightsoulutions.net;acarmichaelj@att.net

DPD File Number: SUP 21-15

L.U.C.B. Recommendation: Approval with conditions

Dear applicant,

On Thursday, July 8, 2021, the Memphis and Shelby County Land Use Control Board recommended *approval* of your special use permit application to allow for a new Office Building in the Residential Urban-3 (RU-3) Zoning District, subject to the following conditions:

- 1. A landscape plan shall be submitted for administrative review and approval by the Office of Planning and Development.
- 2. Any new construction shall comply with development standards of the RU-3 Zoning District Nonresidential Uses in Sub-Section 3.7.3A.
- 3. Parking setbacks shall align with front building setback in all Residential Urban (RU) districts in accordance with the Unified Development Code (UDC) under Sub-Section 3.7.3A Nonresidential Uses table.
- 4. The disposable of trash for offices shall be in an enclosed area located in or near the rear of the proposed office building.
- 5. All signs shall be in accordance with the Unified Development Code (UDC) Sub-Section 4.9.7B for sign standards in a Residential Urban 3 (RU-3) zoning district regulations.
- 6. Future modifications to the site plan will not require re-recording of the site plan unless additional uses/activities are being added that beyond the scope of all prior approvals for the site or this approval.

This application will be forwarded, for final action, to the Council of the City of Memphis. The Council will review your application in a committee meeting prior to voting on it in a public hearing. The applicant or the applicant's representative(s) shall be in attendance at all meetings and hearings.

It is the applicant's responsibility to contact the City Council Records Office to determine when the

Letter to Applicant SUP 20-15

application is scheduled to be heard at committee and in public session. The City Council Records Office may be reached at (901) 636-6792.

If for some reason you choose to withdraw your application, a letter should be mailed to the Land Use and Development Services Department of the Division of Planning and Development at the address provided above or emailed to the address provided below.

If you have questions regarding this matter, please feel free contact me at (901) 636-6619 or via email at teresa.shelton@memphistn.gov.

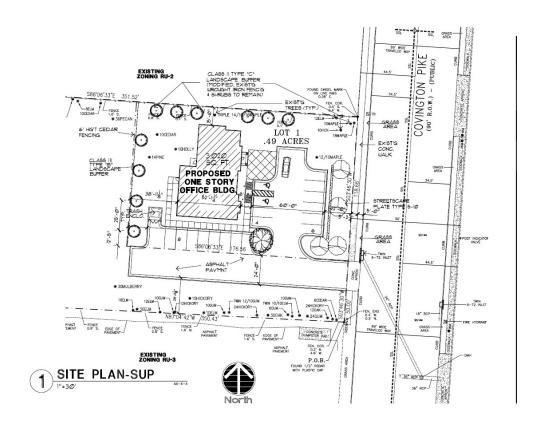
Respectfully,

Teresa Shelton Municipal Planner

Jana Holden

Land Use and Development Services

Cc: James Wright, LLC A Carmichael Johnson



CITY OF MEMPHIS COUNCIL AGENDA CHECK OFF SHEET

ONE ORIGINAL ONLY STAPLED TO DOCUMENTS	Planning &		OMMITTEE:	3 August 2021 DATE	Planning & Development DIVISION
ITEM (<i>CHECK ONE</i>)			SESSION:	3 August 2021 DATE	
ORDINANCE X RESOLUTION OTHER:	CONDEMNAT GRANT APPI	LICATION	REQUES	ST FOR PUBLIC H	IEARING
ITEM DESCRIPTION:	A resolution appro-	ving a specia	l use permit for	a planned develop	ment
CASE NUMBER:	PD 21-25				
DEVELOPMENT:	Child care center				
LOCATION:	3046 Sharpe Ave.				
COUNCIL DISTRICTS:	District 4 and Supe	er District 8			
OWNER/APPLICANT:	Cedric Peete / Kay	cey Hobson			
REPRESENTATIVE:	Delinor Smith of S	mith Buildin	g Design and A	ssociates, Inc.	
EXISTING ZONING:	Residential Urban – 1				
REQUEST:	Special use permit for a planned development				
AREA:	0.4 acres				
RECOMMENDATION:	The Division of Planning and Development recommended: The Land Use Control Board recommended: Approval with outline plan conditions Approval with outline plan conditions				
RECOMMENDED COUN	CIL ACTION: Put	olic Hearing	Not Required		
PRIOR ACTION ON ITEM: (1) 8 July 2021 (1) Land Use Control Board FUNDING: (2) \$ \$ SOURCE AND AMOUNT OF FUNDS		(2) GOV'T. ENTITY (3) COUNCIL COMMITTEE			
\$ \$		CIP PRO	JECT # .L/STATE/OTH	IEB	
# ADMINISTRATIVE APPRO			DATE	POSITION	
ADMINISTRATIVE ALT RO	JVAL.		DAIL	MUNICIPAL PI	ANNIED
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		 -		ZONING ADMI	
				DIRECTOR (JO	INT APPROVAL)
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				FINANCE DIRE	CCTOR
				CITY ATTORN	EY
•					ISTRATIVE OFFICER
				COMMITTEE (CHAIRMAN



Memphis City Council Summary Sheet

PD 21-25

Resolution approving a special use permit for a planned development:

- This item is a resolution approving a special use permit for a planned development with outline plan conditions;
- The development would consist of a child care center;
- The Division of Planning & Development sponsors this resolution at the request of the Owner: Cedric Peete; Applicant: Kaycey Hobson; and Representative: Delinor Smith of Smith Building Design and Associates, Inc.; and
- This resolution, if approved, would supersede the existing zoning of this property.

RESOLUTION APPROVING A SPECIAL USE PERMIT FOR A PLANNED DEVELOPMENT AT 3046 SHARPE AVE., KNOWN AS CASE NUMBER PD 21-25.

WHEREAS, Chapter 9.6 of the Memphis and Shelby County Unified Development Code, being a section of the Joint Ordinance Resolution No. 5367, dated August 10, 2010, authorizes the Council of the City of Memphis to grant a special use permit for a planned development to achieve certain objectives in the various zoning districts; and

WHEREAS, Kaycey Hobson filed an application with the Memphis and Shelby County Division of Planning and Development for a special use permit for a planned development; and

WHEREAS, the Division of Planning and Development has received and reviewed the application in accordance with procedures, objectives and standards for planned developments as set forth in Chapter 9.6 with regard to the proposed development's impacts upon surrounding properties, availability of public facilities, both external and internal circulation, land use compatibility, and compatibility of the design and amenities with the public interest; and has submitted its findings and recommendation, including recommended outline plan conditions, concerning the above considerations to the Memphis and Shelby County Land Use Control Board; and

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on July 8, 2021, and said Board has submitted its recommendation, including recommended outline plan conditions, concerning the above application to the Council of the City of Memphis; and

WHEREAS, the Council of the City of Memphis has reviewed the aforementioned application pursuant to Tennessee Code Annotated Section 13-4-202(B)(2)(B)(iii) and has determined that said development is consistent with the Memphis 3.0 General Plan; and

WHEREAS, the Council of the City of Memphis has reviewed the recommendation of the Land Use Control Board and the report and recommendation of the Division of Planning and Development and has determined that said development meets the objectives, standards, and criteria for a special use permit for a planned development.

NOW, THEREFORE, BE IT RESOLVED, BY THE COUNCIL OF THE CITY OF MEMPHIS, that, pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code, a special use permit for a planned development is hereby granted in accordance with the attached outline plan conditions.

BE IT FURTHER RESOLVED, that the requirements of the aforementioned chapter of the Unified Development Code shall be deemed to have been complied with; that the outline plan shall bind the applicant, owner, mortgagee, if any, and the Council with respect to the contents of said plan; and the applicant and/or owner may file a final plan in accordance with said outline plan and the provisions of Section 9.6.11 of the Unified Development Code.

OUTLINE PLAN CONDITIONS

I. Uses Permitted

- a. A maximum of one child care center
 - i. The final plan shall note the maximum number of children allowed on site at any one time in accordance with the following standards.
 - 1. A minimum of 30 square feet of usable indoor play and nap area exclusive of restrooms, hallways, and office space shall be provided per child on site.
 - 2. A minimum of 50 square feet of usable outdoor play area shall be provided per child on site.
 - ii. Operation shall not be permitted outside the hours of 7 a.m. to 6 p.m.; additionally, operation shall not be permitted on Saturday or Sunday.
 - iii. Lighting shall not glare onto adjacent residential properties.
- b. Other uses as permitted by the Residential Urban 1 zoning district

II. Bulk Standards

- a. A maximum of one lot shall be permitted.
 - i. There shall be no minimum lot size associated with child care centers.
- b. The building setback, parking setback, and height standards shall be in accordance with the Residential Urban 1 zoning district.

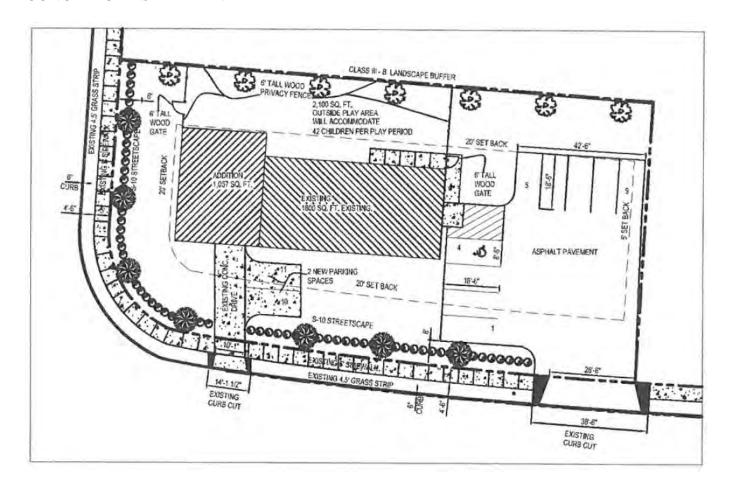
III. Signage

- a. Signage shall be permitted in accordance with residential sign standards.
- b. Excepting duly permitted attached signs, no signs, pictures, or icons shall be placed or painted on the building. Any such existing signs shall be removed.

IV. Final Plan

- a. All Unified Development Code standards not otherwise varied by the outline plan conditions shall be enforced as if zoned Residential Urban -1.
- b. The final plan shall include all plans necessary to demonstrate compliance with the outline plan conditions, including, but not limited to, a site plan, landscape plan, floor plan, and sign plan.

CONCEPTUAL SITE PLAN



ATTEST:

CC: Division of Planning and Development

- Land Use and Development Services
- Construction Enforcement

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on *Thursday 8 July 2021*, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: PD 21-25

DEVELOPMENT: Child care center

LOCATION: 3046 Sharpe Ave.

COUNCIL DISTRICT(S): District 4 and Super District 8

OWNER/APPLICANT: Cedric Peete / Kaycey Hobson

REPRESENTATIVE: Delinor Smith of Smith Building Design and Associates, Inc.

REQUEST: Special use permit for a planned development

EXISTING ZONING: Residential Urban – 1

AREA: 0.4 acres

The following spoke in support of the application: None

The following spoke in opposition the application: None

The Land Use Control Board reviewed the application and the staff report. A motion was made and seconded to recommend approval with outline plan conditions. Those conditions are attached.

The motion *passed* by a unanimous vote on the consent agenda.

LUCB'S RECOMMENDED OUTLINE PLAN CONDITIONS

I. Uses Permitted

- a. A maximum of one child care center
 - i. The final plan shall note the maximum number of children allowed on site at any one time in accordance with the following standards.
 - 1. A minimum of 30 square feet of usable indoor play and nap area exclusive of restrooms, hallways, and office space shall be provided per child on site.
 - 2. A minimum of 50 square feet of usable outdoor play area shall be provided per child on site.
 - ii. Operation shall not be permitted outside the hours of 7 a.m. to 6 p.m.; additionally, operation shall not be permitted on Saturday or Sunday.
 - iii. Lighting shall not glare onto adjacent residential properties.
- b. Other uses as permitted by the Residential Urban 1 zoning district

II. Bulk Standards

- a. A maximum of one lot shall be permitted.
 - i. There shall be no minimum lot size associated with child care centers.
- b. The building setback, parking setback, and height standards shall be in accordance with the Residential Urban 1 zoning district.

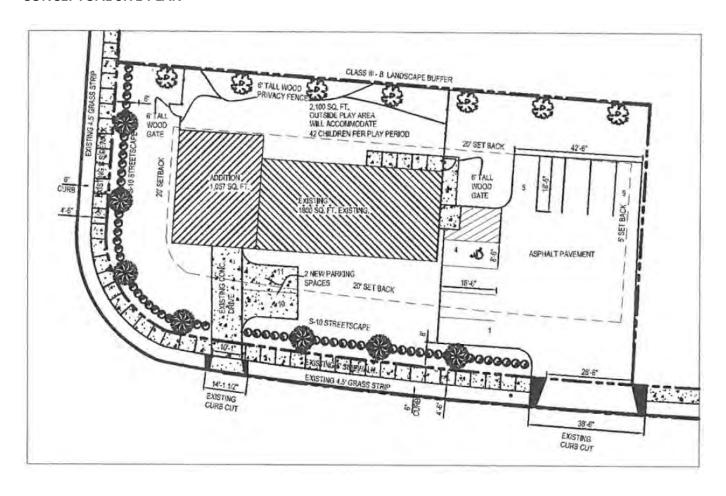
III. Signage

- a. Signage shall be permitted in accordance with residential sign standards.
- b. Excepting duly permitted attached signs, no signs, pictures, or icons shall be placed or painted on the building. Any such existing signs shall be removed.

IV. Final Plan

- a. All Unified Development Code standards not otherwise varied by the outline plan conditions shall be enforced as if zoned Residential Urban 1.
- b. The final plan shall include all plans necessary to demonstrate compliance with the outline plan conditions, including, but not limited to, a site plan, landscape plan, floor plan, and sign plan.

CONCEPTUAL SITE PLAN



dpd STAFF REPORT

AGENDA ITEM: 16

CASE NUMBER: PD 21-25 (formerly SUP 21-10) L.U.C.B. MEETING: 8 July 2021

LOCATION: 3046 Sharpe Avenue

COUNCIL DISTRICT: District 4 and Super District 8

OWNER: Cedric Peete

APPLICANTS: Cedric Peete and Kaycey Hobson

REPRESENTATIVE: Delinor Smith of Smith Building Design and Associates, Inc.

REQUEST: Special use permit for a planned development

AREA: 0.4 acres

EXISTING ZONING: Residential Urban – 1

CONCLUSIONS (p. 14)

- The applicant has requested a special use permit for a planned development. This development would consist of a child care center.
- Although the underlying zoning permits child care centers by special use permit, the Unified Development Code (UDC) requires that child care centers within residential zoning districts have a minimum lot size of 20,000 square feet. Because the subject lot has an area of less than 20,000 square feet, a special use permit application for a child care center is not an option without a variance or planned development.
- Section B of Johnson's Cherokee Subdivision imposes 30' setbacks on both of the lot's frontages. Approval of this request would remove the lot from that subdivision, thereby eliminating the platted setbacks and allowing the proposed building expansion.
- In 1996, the Memphis City Council approved a special use permit for a child care center at this site. That special use permit was tied to the previous land owner, and in any case has expired from lack of use per UDC Sub-Section 9.6.14C.
- To approve this request, City Council must find that at least one of the planned development objectives is met, and that all planned development general provisions and special use permit criteria have been met.
- Staff recommends approval based largely upon the site's prior legislative approval as a child care center.

CONSISTENCY WITH MEMPHIS 3.0 (pp. 12-13)

This proposal is *consistent* with the Memphis 3.0 General Plan per the land use decision criteria.

RECOMMENDATION (p. 15)

Approval with outline plan conditions

Staff Writer: Brett Davis E-mail: brett.davis@memphistn.gov

Staff Report 8 July 2021 PD 21-25 Page 2

GENERAL INFORMATION

Street Frontage: Semmes Street (Minor arterial) 86 linear feet

Sharpe Avenue (Major collector) 177 curvilinear feet

Zoning Atlas Page: 2235

Parcel ID: 059038 00013

Existing Zoning: Residential Urban – 1

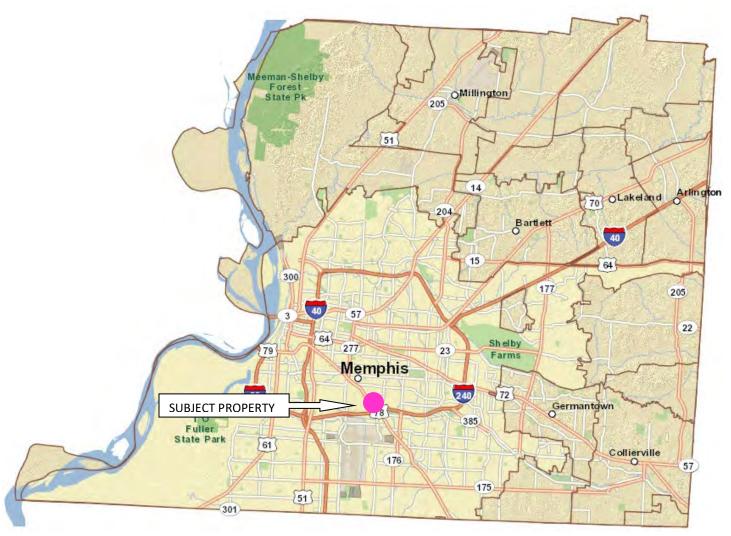
NEIGHBORHOOD MEETING

The required neighborhood meeting was held at via Zoom on 28 June 2021 from 6 p.m. to 7 p.m.

PUBLIC NOTICE

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 73 notices were mailed on 28 June 2021, and a total of two signs posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



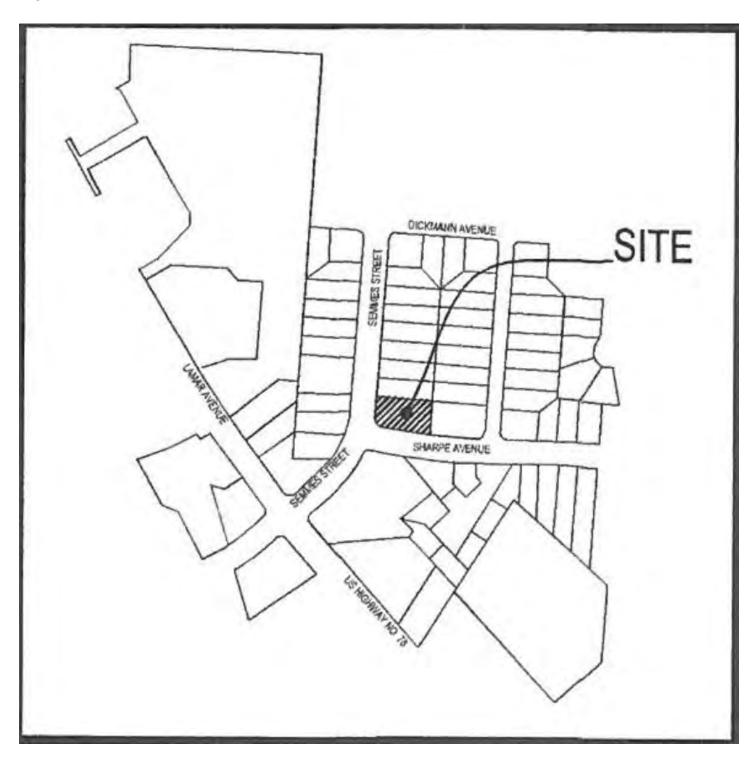
Subject property located in the Cherokee neighborhood

SECTION B OF JOHNSON'S CHEROKEE SUBDIVISION (1950)



Subject property is Lot 246. Restrictive covenants may restrict this lot to residential uses only. The lot has 30' platted setbacks on both frontages, as well as a 5' utility easement along its eastern property line.

VICINITY MAP



AERIAL PHOTO WITH ZONING



Subject Zoning: Residential Urban − 1

Adjacent Zoning

North: Residential Urban – 1

East: Residential Urban – 1

South: Commercial Mixed Use – 1 and Residential Urban – 3

West: Office General and Residential Urban − 1

*Note: Of the two properties adjacent to the west, the northernmost is incorrectly coded in the online zoning atlas. It was rezoned in 1971 to Office General. County GIS staff has been notified of this error.

LAND USE MAP



Of the two civic uses on the west side of Semmes, the northern one is a church and the southern one is a day care center.

SITE PHOTOS



View of structure & backyard from Semmes



View east down Sharpe



View of structure from corner



View south down Semmes

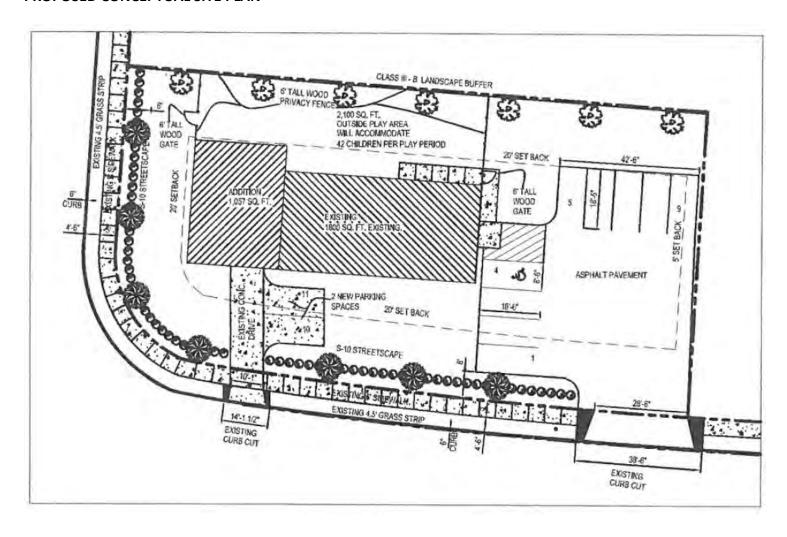


View of rear play area and fencing



View of parking area off Sharpe

PROPOSED CONCEPTUAL SITE PLAN



STAFF ANALYSIS

Request

The request is for a special use permit for a planned development to allow a day care center.

The application form and letter of intent have been added to this report.

Applicability

Staff *agrees* at least one of the objectives as set out in Section 4.10.2 of the Unified Development Code is or will be met.

4.10.2 Applicability

The governing bodies may, upon proper application, grant a special use permit for a planned development (see Chapter 9.6) for a tract of any size within the City or for tracts of at least three acres in unincorporated Shelby County to facilitate the use of flexible techniques of land development and site design, by providing relief from district requirements designed for conventional developments, and may establish standards and procedures for planned developments in order to obtain one or more of the following objectives:

- A. Environmental design in the development of land that is of a higher quality than is possible under the regulations otherwise applicable to the property.
- B. Diversification in the uses permitted and variation in the relationship of uses, structures, open space and height of structures in developments intended as cohesive, unified projects.
- C. Functional and beneficial uses of open space areas.
- D. Preservation of natural features of a development site.
- E. Creation of a safe and desirable living environment for residential areas characterized by a unified building and site development program.
- F. Rational and economic development in relation to public services.
- G. Efficient and effective traffic circulation, both within and adjacent to the development site, that supports or enhances the approved transportation network.
- H. Creation of a variety of housing compatible with surrounding neighborhoods to provide a greater choice of types of environment and living units.
- I. Revitalization of established commercial centers of integrated design to order to encourage the rehabilitation of such centers in order to meet current market preferences.
- J. Provision in attractive and appropriate locations for business and manufacturing uses in well-designed buildings and provision of opportunities for employment closer to residence with a reduction in travel time from home to work.
- K. Consistency with the Memphis 3.0 General Plan.

General Provisions

Staff *agrees* the general provisions standards and criteria as set out in Section 4.10.3 of the Unified Development Code are or will be met.

4.10.3 General Provisions

The governing bodies may grant a special use permit for a planned development which modifies the applicable district regulations and other regulations of this development code upon written findings and recommendations of the Land Use Control Board and the Planning Director which shall be forwarded pursuant to provisions contained in this Chapter.

- A. The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.
- B. An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development.
- C. The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for structures, parking and loading areas or access way shall be landscaped or otherwise improved except where natural features are such as to justify preservation.
- D. Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest.
- E. Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements.
- F. Lots of record are created with the recording of a planned development final plan.

Approval Criteria

Staff *agrees* the approval criteria in regard special use permits as set out in Section 9.6.9 of the Unified Development Code are met.

9.6.9 Approval Criteria

No special use permit or planned development shall be approved unless the following findings are made concerning the application:

- 9.6.9A The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.
- 9.6.9B The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations.
- 9.6.9C The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or that the applicant will provide adequately for such services.
- 9.6.9D The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance.
- 9.6.9E The project complies with all additional standards imposed on it by any particular provisions authorizing such use.
- 9.6.9F The request will not adversely affect any plans to be considered (see Chapter 1.9), or violate the character of existing standards for development of the adjacent properties.
- 9.6.9G The governing bodies may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to insure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this development code.
- 9.6.9H Any decision to deny a special use permit request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record, per the Telecommunications Act of 1996, 47 USC 332(c)(7)(B)(iii). The review body may not take into account any environmental or health concerns.

Site Description

The subject site is Lot 246 of Section B of Johnson's Cherokee Subdivision. It has 86 linear feet of frontage on Semmes St. and 177 linear feet of frontage on Sharpe Ave. Both frontages have curbs, landscape strips, and sidewalks, but neither has overhead utilities. There are two curb cuts on Sharpe. The 1800-square foot structure was built in 1950. It has several signs painted directly on its façade. A rear play area is fenced in with chain link. Accessory structures include a storage shed.

Site Zoning History

In 1996, the Memphis City Council approved a special use permit for a child care center at this site. That special use permit was tied to the previous land owner, and in any case has expired from lack of use. The expired site plan and conditions of approval have been attached to this report.

Site Plan Review

Site plan review will be conducted during final plan review, if approved.

Consistency with Memphis 3.0

Staff uses the following criteria contained in Memphis 3.0 to determine consistency.

1. The future land use designation: Primarily Single-Unit Neighborhood



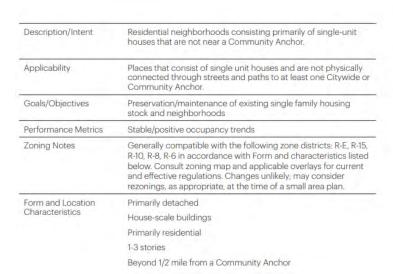
2. The land use designation descriptions and graphic portrayals, including whether the proposed use is compatible with the zone districts listed in the zoning notes and the proposed building fit the listed form and location characteristics:



Primarily Single-Unit Neighborhood

NS

Primarily Single-Unit Neighborhoods are located greater than a halfmile outside of any anchor destination. These neighborhoods contain mostly detached, house scale residences, serving mostly single-family style living. This is considered the typical suburban community that is not as walkable or accessible from an anchor.





3. Existing, adjacent land uses and zoning: Underlying zoning allows child care centers by special use permit. Nearby land uses include a child care center.

This proposal is *consistent* with the Memphis 3.0 General Plan.

Staff Report PD 21-25 8 July 2021 Page 14

Conclusions

The applicant has requested a special use permit for a planned development. This development would consist of a child care center.

Although the underlying zoning permits child care centers by special use permit, the Unified Development Code (UDC) requires that child care centers within residential zoning districts have a minimum lot size of 20,000 square feet. Because the subject lot has an area of less than 20,000 square feet, a special use permit application for a child care center is not an option without a variance or planned development.

Section B of Johnson's Cherokee Subdivision imposes 30' setbacks on both of the lot's frontages. Approval of this request would remove the lot from that subdivision, thereby eliminating the platted setbacks and allowing the proposed building expansion.

In 1996, the Memphis City Council approved a special use permit for a child care center at this site. That special use permit was tied to the previous land owner, and in any case has expired from lack of use per UDC Sub-Section 9.6.14C.

To approve this request, City Council must find that at least one of the planned development objectives is met, and that all planned development general provisions and special use permit criteria have been met.

Staff recommends approval based largely upon the site's prior legislative approval as a child care center.

RECOMMENDATION

Staff recommends *approval* with the following outline plan conditions:

I. Uses Permitted

- a. A maximum of one child care center
 - i. The final plan shall note the maximum number of children allowed on site at any one time in accordance with the following standards.
 - 1. A minimum of 30 square feet of usable indoor play and nap area exclusive of restrooms, hallways, and office space shall be provided per child on site.
 - 2. A minimum of 50 square feet of usable outdoor play area shall be provided per child on site.
 - ii. Operation shall not be permitted outside the hours of 7 a.m. to 6 p.m.; additionally, operation shall not be permitted on Saturday or Sunday.
 - iii. Lighting shall not glare onto adjacent residential properties.
- b. Other uses as permitted by the Residential Urban 1 zoning district

II. Bulk Standards

- a. A maximum of one lot shall be permitted.
 - i. There shall be no minimum lot size associated with child care centers.
- b. The building setback, parking setback, and height standards shall be in accordance with the Residential Urban 1 zoning district.

III. Signage

- a. Signage shall be permitted in accordance with residential sign standards.
- b. Excepting duly permitted attached signs, no signs, pictures, or icons shall be placed or painted on the building. Any such existing signs shall be removed.

IV. Final Plan

- a. All Unified Development Code standards not otherwise varied by the outline plan conditions shall be enforced as if zoned Residential Urban -1.
- b. The final plan shall include all plans necessary to demonstrate compliance with the outline plan conditions, including, but not limited to, a site plan, landscape plan, floor plan, and sign plan.

DEPARTMENTAL COMMENTS

The following comments were provided by agencies to which this application was referred:

City Engineer:

 Standard Subdivision Contract or Right-Of-Way Permit as required in Section 5.5.5 of the Unified Development Code.

Sewers:

- 2. City sanitary sewers are available to serve this development.
- 3. All sewer connections must be designed and installed by the developer. This service is no longer offered by the Public Works Division.

Roads:

- 4. The Developer shall be responsible for the repair and/or replacement of all existing curb and gutter along the frontage of this site as necessary.
- 5. All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA compliance. The developer shall be responsible for any reconstruction or repair necessary to meet City standards.

Traffic Control Provisions:

- 6. The developer shall provide a traffic control plan to the city engineer that shows the phasing for each street frontage during demolition and construction of curb, gutter and sidewalk. Upon completion of sidewalk and curb and gutter improvements, a minimum 5 foot wide pedestrian pathway shall be provided throughout the remainder of the project. In the event that the existing right of way width does not allow for a 5 foot clear pedestrian path, an exception may be considered.
- 7. Any closure of the right of way shall be time limited to the active demolition and construction of sidewalks and curb and gutter. Continuous unwarranted closure of the right of way shall not be allowed for the duration of the project. The developer shall provide on the traffic control plan, the time needed per phase to complete that portion of the work. Time limits will begin on the day of closure and will be monitored by the Engineering construction inspectors on the job.
- 8. The developer's engineer shall submit a Trip Generation Report that documents the proposed land use, scope and anticipated traffic demand associated with the proposed development. A detailed Traffic Impact Study will be required when the accepted Trip Generation Report indicates that the number for projected trips meets or exceeds the criteria listed in Section 210-Traffic Impact Policy for Land Development of the City of Memphis Division of Engineering Design and Policy Review Manual. Any required Traffic Impact Study will need to be formally approved by the City of Memphis, Traffic Engineering Department.

Curb Cuts/Access:

9. The City Engineer shall approve the design, number and location of curb cuts.

Staff Report 8 July 2021 PD 21-25 Page 17

10. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.

11. The edge of the eastern curb cut must be at least five (5) feet from the property line.

Drainage:

12. A grading and drainage plan for the site shall be submitted to the City Engineer for review and approval prior to recording of the final plat.

City Fire Division:

Reviewed by: J. Stinson

- All design and construction shall comply with the 2015 edition of the International Fire Code (as locally amended) and referenced standards.
- Fire apparatus access shall comply with section 503. Where security gates are installed that affect required fire apparatus access roads, they shall comply with section 503.6 (as amended).
- Fire protection water supplies (including fire hydrants) shall comply with section 507.
- Where fire apparatus access roads or a water supply for fire protection are required to be installed, such
 protection shall be installed and made serviceable prior to and during the time of construction except
 when approved alternate methods of protection are provided.
- A detailed plans review will be conducted by the Memphis Fire Prevention Bureau upon receipt of complete construction documents. Plans shall be submitted to the Shelby County Office of Code Enforcement.

City Real Estate:

County Health Department:

Shelby County Schools:

Construction Code Enforcement:

Memphis Light, Gas and Water:

Dept. of Sustainability and Resilience:

Dept. of Comprehensive Planning:

No comments received.

No comments received.

No comments received.

No comments received.

APPLICATION FORM



DE DE 2024

Memphis and Shelby County Office of Planning and Development CITY WIALL 125 NORTH MAIN STREET-SPITTE 477 MEMPHIS, TENNESSEIT 38103-2084 (001) 036-6619

APPLICATION FOR SPECIAL USE PERMIT APPROVAL/AMENDMENT

Date: 03.03.2021		Case #:		-
	PLEASE TVF	E OR PRINT		
Property Owner of Record: Ceditic	Peets	P	hone #: 901.550.2257 8 901.3	74,6362
Mailing Address: 3815 LAKEHURST	City/State: MEMP	HIS Zip 38128		
Property Owner E-Mail Address:	carryingeveryday@idloud.com &	hobsonkaysey@yahoo.com		
Applicant: Cedric Peate & Kayosy Hobs	on	P	Plione # 90(.550,2257 & 901.3	74.6352
Mailing Address: 3815 LAKEHURS	ST DRIVE	City/State: MEMPI	HIS Zip 38128	
Applicant E- Mail Address: canying	gevaryday@acouc.com & hobson	kaycay@yahoo.com		
Representative: DELINOR SMITH		P	none #; 901.690.3944	
Mailing Address: 3831 LAKEHURS	ST DRIVE	City/State: MEMPH	HIS, TN Zip 38128) ·
Representative E-Mail Address	smith920@comcast.net			
Engineer/Surveyor:		P	ione#_	
Mailing Address		City/State:	Zip	
Engineer/Surveyor E-Mail Addres	55;			
Street Address Location: 3048 Sh	arpe Ave.			
Distance to nearest intersecting str	reet: At the northeast corner of the	he interescent of Sharpe Ave. at	nd Semmese Street	
Area in Acres: Existing Zoning. Existing Use of Property Requested Use of Property	Parcel 1 .397 acros RU-1 Vanari Dilitionis Center Childcare Center	Parcel 2	Parcel 3	
Amendment(s): Any revision to a Minor Modifications shall be prop to and requests to exceed 24-mont permits shall be processed as major	osed as an amendment. T h limitation on discontinu r modifications, subject to	ime extensions (see Sub- ance (see Subsection 9.6	section 9.6.14B of the Ul	DC)
Unincorporated Areas: For re- following information	sidential projects in u	mincorporated Shelby	County, please prov	vide th
Number of Residential Un	its: N/A	Bedrooms:		
Expected Appraised Value	per Limit	or Total Projec	r.	

^{*}Note: This application was converted to a Planned Development application following initial submission.

Property Owner of Record

Variances: If the Office of Planning and Development (OPD) determines your submitted site plan requires Board of Adjustment (BOA) action on a particular standard of the Unified Development Code, this application will not be heard by the Land Use Control Board (LUCB) until an application is submitted to the BOA. Once a BOA application is received by OPD, OPD will proceed to send any public notices, including neighborhood meeting notification, for the next available LUCB meeting. Notices will not be sent out prior to a BOA application being received. All neighborhood notification and public notices shall meet the timing provided in Sections 9.3.2 and 9.3.4 of the UDC. In lieu of a BOA application being filed, this application for a Special Use Permit may be replaced with an application for a Planned Development within 14 days of the filing deadline for this application, unless the site is located within the Medical Overlay District (see Sec. 8.2.2D of the UDC). If neither a Board of Adjustment nor a Planned Development application is received within 90 days of the filing deadline for this application, then this application shall be considered defective and withdrawn from any future consideration by the Land Use Control Board.

I (we) hereby make application for the Special Use Permit descri	ad an har evado her
accompanying materials. I (we) accept responsibility for any errors	e amigrane which man
result in the postponement of the application being reviewed by the Ma	makin P. Challes Cometer
Land Use Control board at the next available hearing date 1 (We) come	what of the about Javanth of
property dereby authorize the fling of this application and the above named per	ous to set on hy behalf.
1 La Franklinger	1//1

REQUIREMENTS PRIOR TO APPLICATION SUBMISSION

PRE-APPLICATION CONFERENCE - Not more than six (6) months nor less than five (5) working days prior to filing an application, the applicant shall arrange for a mandatory pre-application conference with OPD.

Pre-Application Conference held on:	APRIL	2021 with	JEFFERY PENZES
Charles and a second of the second		Tribat.	

Applicant

NEIGHBORHOOD MEETING - At least ten (10) days, but not more than 120 days, prior to a hearing before the Land Use Control Board, the applicant shall provide an opportunity to discuss the proposal with representatives from neighborhoods adjacent to the development site (Section 9.3.2). The following documentation shall be provided to OPD to verify compliance with this requirement: A copy of the letter sent to neighborhood associations and abutting property owners and a copy of the mailing list used to send notice.

Neighborhood Meeting Requirement Met:	Yes	Not yet X	
(If yes, docum	entation mus	st be included with application materials	ï

SIGN POSTING - A sign or signs shall be erected on-site no more than 30 days or less than 10 days prior to the date of the Land Use Control Board hearing. See Sub-Section 9.3.4C of the UDC for further details on sign posting.

9.6.9 Special Use Permit Approval Criteria

No special use permit or planned development shall be approved unless the following findings are made concerning the application:

Please address each sub-section below (Provide additional information on a separate sheet of paper if needed).

- The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare (UDC sub-section 9.6.9A).
 - This location is within close proximity to a school apartments and residential developments and was priviously used as a childcare facility. The childcare business will not effect the public health, safety and general welfare of the neighborhood.
 - The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations (UDC sub-section 9.6.9B). The existing structure was built in 1951 and was operated as a childcare center for more than 20 years. The new owner is proposing a 1, 059 sq. ft, addition that will stay in character with the exiting exter facade and adjacen structures. The project will be operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property.
 - The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or that the applicant will provide adequately for such services (UDC sub-section 9.6.9C). The public facilities and services are adaquate for the requested use of this structure.
 - The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance (UDC sub-section 9.6.9D).
 This existing structure and the proposed 1,056 sq. ft. addition will be compatable with the surrounding structures within the neighborhood.
 - The project complies with all additional standards imposed on it by any particular provisions authorizing such use (UDC sub-section 9.6.9E). This project will comply with all local and state agencies that govern the child care business and facilities.
 - The request will not adversely affect any plans to be considered (see UDC Chapter 1.9) or violate the character of existing standards for development of the adjacent properties (UDC sub-section 9.6.9F).
 - The approval of this application will not affect any plans to be considered of violate the character of existing standards for development of the adjacent properties. All required buffer and street scapes will be install as needed.

LETTER OF INTENT

LETTER OF INTENT

Mrs. Kaycey Hobson, the developer, is requesting approval of a special use permit for the property located at 3046 Sharpe Ave. This 1,800 sq. ft. structure has been previously use as a childcare facility for an estimated fifteen or more years by the previous owners but has been vacant for more than two years. The 1 story structure was constructed in 1951 and sets on a .397 acre parcel in an RU-1 District.

Mrs. Kaycey Hobson plan to reopen the business and construct a 1,059 sq. ft. addition. This will allow the building to accommodate as estimate 60 children.

Approval of this application will allow the owner to provide needed childcare services to the community.

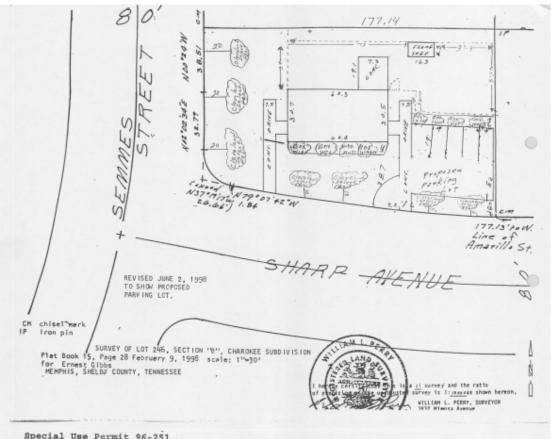
Delinor D. Smith, of Smith Building Design and Associates, Inc. is the representative.

SIGN AFFIDAVIT

AFFIDAVIT

State of Tennessee			
		12:01 p	.m.
I, DELINOR SMITH	_, being duly sworn, depose an		
22nd day of JUNE	, 200_21, I posted a Public		
No. SUP 21-10		46 SHARPE AVE.	
_ providing notice of a Public He			
Council,Shelby County Bo			
Action (Planned Deve			
Zoning District Map Amendment)		eing attached hered	on and a copy of
the sign purchase receiptor rente	al contract attached hereto.		
a Jelling all	WHA.	6.22.2	/
Owner, Applicant or Representa	tive		Date
Subscribed and sworn to before	me this 22 nd day of June	, 200	
			-
MonigueRichardon	١		
Notary Public			- ALIANI
			OUE HICHARD
My commission expires:	OMMISSION EXPIDES MAY A	A	STATE &
	DATINES MAY U	8, 2023	OF \Z
			TENNESSEE
			NOTARY
			PUBLIC &
			CANTY OF SHE

EXPIRED SPECIAL USE PERMIT – SITE PLAN AND CONDITIONS



Special Use Permit 96-251

A Day Care Center located at 1046-1048 Sharpe Avenue (Lot 246, Johnson's Cherokee Subdivision) shall be permitted to operate in accordance with the following conditions:

COMMERCIAL DAY COME CENTER STANDARDS

- A. There shall be provided a minimum of 30 square feet of usable indoor play area per child, exclusive of restrooms, hallways, Nitchem or office space, a minimum of 30 square feet of floor area per child within the nay from and a minimum of 50 square feet of mable outdoor play area per child, to be computed based upon the total member of children enrolled. State and local health, sducetion and/or fire regulations may reduce but shall not increase the number of students to be enrolled.
- B. The maximum number of children enrolled shall be 40 children or lass, subject to the approval of the Tennessee Department of Human Services, Day Care Licensing.
- C., Exrollment shall mean the total number of children enrolled at any one time, and if there are multiple sessions, enrollment shall mean the largest number of children.
- D. The Day Care Center hours of operation are limited to 7,00 a.m. and 6:00 p.m. Monday thru Priday.
- The required outdoor play area shall be located in accordance with the approved site plan and shall satisfy the requirements set by the Department of Human Services.
- ACCESS, PARKING AND CIRCULATION
 - A. The traffic flow and parking shall be provided on-site in accordance with the approved site plan.
 - B. Paved parking shall be as provided on the approved site plan.
- III. LANDSCAPING AND SCREENING
 - A. Streetscape and front-yard landscaping shall be in accordance with the approved site
- Provide fencing (4° coated chain link, 6° wood) and landscaping for screening of play area in accordance with the approved site plan.
- C. Lighting shall not glare onto adjacent residential properties.

The building shall maintain the existing residential character and scale of the area in which it is located. No signs or pictures, icons, etc. shall be placed or painted directly on the building other than that which may be part of a 12 square foot wall sign.

- A. One attached identification sign with a maximum of twelve (12) square feet shall be permitted.
- 8. Balloons and portable or temporary signs are prohibited.
- - A. A use and occupancy permit shall be obtained from the Office of Construction Code Enforcement within two (2) years of the date of City Council approval or such approval

8. This Special Use Permit shall be held in the name of Ernat E. Gibbs and is 7-2 transferable or assignable. Any propused change of ownership shall be reported to the Office of Flanning and Development. The new proposed owner/daycar: center operator shall submit to the Office of Planning and Development a new Special Use Permit application, a minimum of 120 days before the change is to be implemented, neet the applicable etardards and regulations and be approved for said permit by the City Council.

OWNERS CERTIFICATE

CHORES CERTIFICATE

(I) He. Contact & Color of the property shows, hereby adopt this plan as sy (our) plan of development. I (We) cartify that I (We) as (are) the owner (as) of the and property in (fee simple) duly surborised to act, and that said property is not encumbered by any taxes (or mortgages) which have become due and payable.

Before me, the undersigned a Notary Public in and for the said State and County at Memphis, duly Commissioned and qualified, personally appeared personally acquainted, who upon his (her) outh acknowledged himself (herself) to be the equitable owner (vice president/president/CEO/etc.) of property (sempany, etc.) The within named bargainer, and he (she) executed the foregoing instruments for the purpose thresh contained. In witness whereof, I have hereunto set my hand and affexed my notarial seal at my office in Memphis, this year, and day of the second state of the purpose thresh contained. In witness whereof, I have hereunto set my hand and affexed my notarial seal at my office in Memphis, and this year, and day of the second state of the second state of the second sec

My commission expires June 20, 2000

OFFICE OF PLANNING AND DEVELOPMENT CERTIFICATE

of bevelopment was acted on and approved on the city cauncil on Documber 3, 1476.

LETTERS RECEIVED

No letters received at the time of publication of this report.

CITY OF MEMPHIS COUNCIL AGENDA CHECK OFF SHEET

ONE ORIGINAL ONLY STAPLED TO DOCUMENTS	Planning & Z	Zoning COMMITTEE: PUBLIC SESSION:	DATE 3 August 2021	Planning & Development DIVISION
X RESOLUTION	GRANT APPLI	IONSGRAN ICATION REQUE	ST FOR PUBLIC H	IEARING
CASE NUMBER:	A resolution approving a special use permit for a planned commercial development PD 21-15			
DEVELOPMENT: LOCATION: COUNCIL DISTRICTS:	Broad Avenue Plaza Planned Development 2977 Broad Avenue District 5 and Super District 9			
OWNER: APPLICANT: REPRESENTATIVE:	MVS Real Estate Mid Town, LLC Spire Enterprises John Behnke			
EXISTING ZONING: REQUEST:	Residential – 6 and Commercial Mixed Use – 1 Special use permit for a planned commercial development			
AREA: RECOMMENDATION:	1.6 acres The Division of Planning and Development recommended: Rejection The Land Use Control Board recommended: Approval with outline plan conditions			
RECOMMENDED COUNCIL ACTION: Puble PRIOR ACTION ON ITEM: (1) 10 June 2021 (1) Land Use Control Board		APPROVAL - (1) APPROVED (2) DENIED DATE ORGANIZATION - (1) BOARD / COMMISSION (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE		
FUNDING: (2) \$ \$ SOURCE AND AMOUNT OF FUNDS		REQUIRES CITY EXPENDITURE - (1) YES (2) NO AMOUNT OF EXPENDITURE REVENUE TO BE RECEIVED		
\$ \$ \$		OPERATING BUDGET CIP PROJECT # FEDERAL/STATE/OTHER		
ADMINISTRATIVE APPRO	OVAL:	<u>DATE</u>	DEPUTY ADMI ZONING ADMI DIRECTOR (JO COMPTROLLE FINANCE DIRE	INISTRATOR NISTRATOR INT APPROVAL) R CCTOR
<u> </u>			CHIEF ADMIN	ISTRATIVE OFFICER CHAIRMAN



Memphis City Council Summary Sheet

PD 21-15

Resolution approving a special use permit for a planned commercial development:

- This item is a resolution approving a special use permit for a planned commercial development with outline plan conditions;
- The development would include gas pumps;
- The Division of Planning & Development sponsors this resolution at the request of the Owner: MVS Real Estate Mid Town, LLC; Applicant: Spire Enterprises; and Representative: John Behnke; and
- This resolution, if approved, would supersede the existing zoning of this property.

RESOLUTION APPROVING A SPECIAL USE PERMIT FOR A PLANNED COMMERCIAL DEVELOPMENT AT 2977 BROAD AVE., KNOWN AS CASE NUMBER PD 21-15.

WHEREAS, Chapter 9.6 of the Memphis and Shelby County Unified Development Code, being a section of the Joint Ordinance Resolution No. 5367, dated August 10, 2010, authorizes the Council of the City of Memphis to grant a special use permit for a planned development to achieve certain objectives in the various zoning districts; and

WHEREAS, Spire Enterprises filed an application with the Memphis and Shelby County Division of Planning and Development for a special use permit for a planned commercial development; and

WHEREAS, the Division of Planning and Development has received and reviewed the application in accordance with procedures, objectives and standards for planned commercial developments as set forth in Chapter 9.6 with regard to the proposed development's impacts upon surrounding properties, availability of public facilities, both external and internal circulation, land use compatibility, and compatibility of the design and amenities with the public interest; and has submitted its findings and recommendation, including recommended outline plan conditions, concerning the above considerations to the Memphis and Shelby County Land Use Control Board; and

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on June 10, 2021, and said Board has submitted its recommendation, including recommended outline plan conditions, concerning the above application to the Council of the City of Memphis; and

WHEREAS, the Council of the City of Memphis has reviewed the aforementioned application pursuant to Tennessee Code Annotated Section 13-4-202(B)(2)(B)(iii) and has determined that said development is consistent with the Memphis 3.0 General Plan; and

WHEREAS, the Council of the City of Memphis has reviewed the recommendation of the Land Use Control Board and the report and recommendation of the Division of Planning and Development and has determined that said development meets the objectives, standards, and criteria for a special use permit for a planned commercial development.

NOW, THEREFORE, BE IT RESOLVED, BY THE COUNCIL OF THE CITY OF MEMPHIS, that, pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code, a special use permit for a planned commercial development is hereby granted in accordance with the attached outline plan conditions.

- **BE IT FURTHER RESOLVED,** this resolution exempts this property from the gas station moratorium approved by the Council of the City of Memphis on March 16, 2021.
- **BE IT FURTHER RESOLVED,** that the requirements of the aforementioned chapter of the Unified Development Code shall be deemed to have been complied with; that the outline plan shall bind the applicant, owner, mortgagee, if any, and the Council with respect to the contents of said plan; and the applicant and/or owner may file a final plan in accordance with said outline plan and the provisions of Section 9.6.11 of the Unified Development Code.

OUTLINE PLAN CONDITIONS

- I. Permitted Uses, Building Envelope Standards, and General Development Standards
 - A. As if zoned Commercial Mixed Use -2, with the following exceptions:
 - i. The maximum height shall be 48 feet.
 - ii. A Class III landscape buffer shall be installed along the western property line.
 - iii. No outdoor display, storage, or sales shall be permitted, with the exception of gas sales.
 - iv. No window signs or plastic signs shall be permitted.
 - v. All facades that front Tillman shall have a minimum transparency of 70% as measured between 3 and 8 feet from the finished walk. Side facades shall have a minimum transparency of 30% as measured between 3 and 8 feet from the finished walk. Rear facades shall not have a transparency requirement.
 - vi. All facades shall be of masonry construction, unless otherwise approved by the Zoning Administrator. Artificial architectural features such as faux windows shall not be permitted. Plastic awnings shall not be permitted.

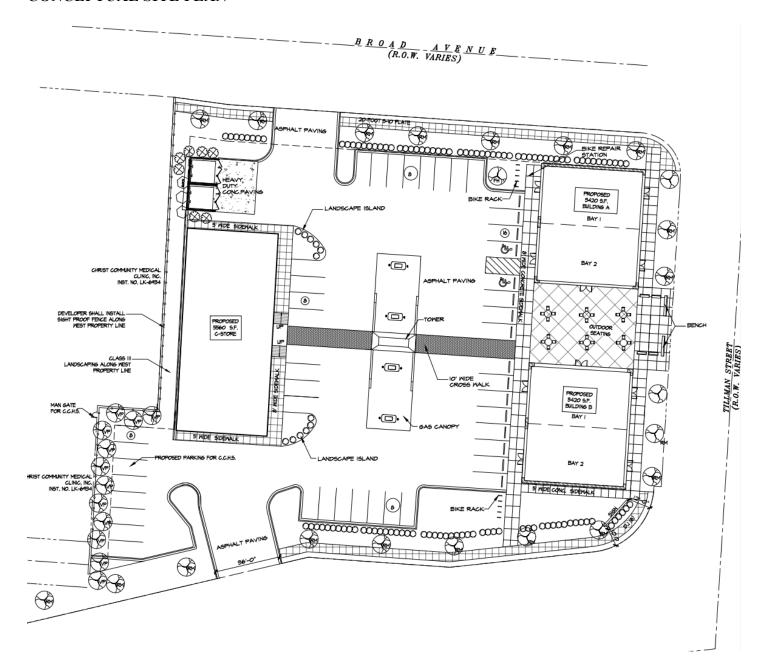
II. Site Design

- A. The convenience store shall be to the west of the gas canopy. Other retail shall be to the east of the gas canopy. Robust pedestrian facilities constructed of unique pavers or a similar material shall connect the western and eastern retail areas to each other as well as to public sidewalks, bicycle parking, etc. Such facilities should incorporate a thoughtfully-designed, covered or uncovered pedestrian area between the eastern retail bays that may double as a quasi-public space and center entryway. Special consideration shall be given to the coordination, placement, and screening of utilities.
- B. All primary entrances and facades shall front Tillman. Secondary customer entrances that front the north or south may be permitted. However, customer entrances shall not be permitted to front the west; such rear entrances may be permitted as service entrances.
 - i. If within the eastern retail area a retail bay is not within 20 feet of the Tillman facade, staff may permit primary entrances that do not front the east.
- C. Access points shall be offset to discourage cut-through traffic.
- D. A bicycle repair stand and air pump, specifications of which shall be approved administratively, shall be installed for public use.
- E. Final site design shall be subject to administrative approval.

III. Final Plan

- A. A traffic impact study and traffic signal warrant analysis shall be conducted. If warranted, a traffic signal at the intersection of Broad and Tillman shall be designed and installed by the applicant. Such design shall address the Hampline bicycle corridor.
- B. Approval by the City Engineer may be required.
- C. If adjacent Autumn Ave. right-of-way is closed, that land may be incorporated into this planned development subject to administrative approval.

CONCEPTUAL SITE PLAN



ATTEST:

CC: Division of Planning and Development

- Land Use and Development Services
- Construction Enforcement

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on *Thursday 10 June 2021*, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: PD 21-15

DEVELOPMENT: Broad Avenue Plaza Planned Development

LOCATION: 2977 Broad Ave.

COUNCIL DISTRICT(S): District 5 and Super District 9

OWNER: MVS Real Estate Mid Town, LLC

APPLICANT: Spire Enterprises

REPRESENTATIVE: John Behnke

REQUEST: Special use permit for a planned commercial development

EXISTING ZONING: Residential – 6 and Commercial Mixed Use – 1

AREA: 1.6 acres

The following spoke in support of the application: John Behnke

The following spoke in opposition the application: None

The Land Use Control Board reviewed the application and the staff report. A motion was made and seconded to recommend approval with outline plan conditions. Those conditions are attached.

The motion passed.

LUCB'S RECOMMENDED OUTLINE PLAN CONDITIONS

- I. Permitted Uses, Building Envelope Standards, and General Development Standards
 - A. As if zoned Commercial Mixed Use -2, with the following exceptions:
 - i. The maximum height shall be 48 feet.
 - ii. A Class III landscape buffer shall be installed along the western property line.
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II. Site Design

- A. The convenience store shall be to the west of the gas canopy. Other retail shall be to the east of the gas canopy. Robust pedestrian facilities constructed of unique pavers or a similar material shall connect the western and eastern retail areas to each other as well as to public sidewalks, bicycle parking, etc. Such facilities should incorporate a thoughtfully-designed, covered or uncovered pedestrian area between the eastern retail bays that may double as a quasi-public space and center entryway. Special consideration shall be given to the coordination, placement, and screening of utilities.
- B. All primary entrances and facades shall front Tillman. Secondary customer entrances that front the north or south may be permitted. However, customer entrances shall not be permitted to front the west; such rear entrances may be permitted as service entrances.
 - i. If within the eastern retail area a retail bay is not within 20 feet of the Tillman facade, staff may permit primary entrances that do not front the east.
- C. Access points shall be offset to discourage cut-through traffic.
- D. A bicycle repair stand and air pump, specifications of which shall be approved administratively, shall be installed for public use.
- E. Final site design shall be subject to administrative approval.

III. Final Plan

- A. A traffic impact study and traffic signal warrant analysis shall be conducted. If warranted, a traffic signal at the intersection of Broad and Tillman shall be designed and installed by the applicant. Such design shall address the Hampline bicycle corridor.
- B. Approval by the City Engineer may be required.
- C. If adjacent Autumn Ave. right-of-way is closed, that land may be incorporated into this planned development subject to administrative approval.

AGENDA ITEM: 12

CASE NUMBER: PD 21-15 L.U.C.B. MEETING: 10 June 2021

DEVELOPMENT: Broad Avenue Plaza Planned Development

LOCATION: 2977 Broad Avenue

COUNCIL DISTRICT: District 5 and Super District 9

OWNER: MVS Real Estate Mid Town, LLC

APPLICANT: Spire Enterprises

REPRESENTATIVE: John Behnke

REQUEST: Special use permit for a planned commercial development

AREA: 1.6 acres

EXISTING ZONING: Residential – 6 and Commercial Mixed Use – 1

CONCLUSIONS (p. 21)

- Spire Enterprises has requested a special use permit for a planned commercial development with gas pumps.

- The site is split-zoned between Residential 6 (R-6) and Commercial Mixed Use 1 (CMU-1). The south third, along Sam Cooper, is zoned R-6, whereas the northern two thirds, along Broad, are zoned CMU-1. The site is also partially overlaid with a 2015 planned development that ties the land, including some residentially-zoned sections, to CMU-1 zoning. No outline or final plan was ever recorded, and that approval is set to expire in December 2021. The present request concerns a greater area than the 2015 approval. For this reason, it is considered a new planned development, rather than an amendment.
- In February 2021, the Memphis City Council and Shelby County Board of Commissioners approved a zoning text amendment that restricted gas pumps in the CMU-1 district. Today, no gas pumps are permitted by right in the CMU-1 district; any proposed gas pumps in that district require legislative approval.
- The purpose of this zoning text amendment was: 1) to bring the CMU-1 district's permitted uses closer in line with its intent as a neighborhood-oriented zone in which "auto-oriented uses are not appropriate;" and 2) to address Memphis's high rate of gas stations per capita as compared to other Shelby County municipalities and other sister cities. In addition, there is presently a City-wide moratorium on new gas pumps to allow the Council time to study this latter matter.
- The subject site is less than 30 feet from single-family houses within a single-family residential zoning district to its west. It also adjacent to an existing convenience store with gas sales on the north side of Broad. Additionally, it is cater-corner to a retail center emphasizing community economic development owned by the public nonprofit Economic Development Growth Engine to the southeast. On the south side of Sam Cooper is the newly-built, Black-led Collage Dance Collective ballet house. Contemporary commercial development includes the nearby Hampline Brewery, opened in early 2021.
- The just-completed Hampline, part of the City's signature bicycle corridor, wraps around the site's Broad and Tillman frontages. Increased traffic associated with gas sales may jeopardize bicyclist safety.
- Given recent policy changes regarding gas sales in the CMU-1 district, the site's adjacency to both single-family houses and existing gas pumps, the character of recent development activity in the area, and the site's location on the Hampline, staff finds that an up-zoning for the purpose of permitting gas sales does not meet the approval criteria.
- Staff has recommended certain changes to the site design, if approved, to orient the development towards Tillman and the public domain. As proposed by the applicant, all entrances face backward into the parking area, while a blank back wall with utilities and service doors fronts Tillman.

CONSISTENCY WITH MEMPHIS 3.0 (pp. 25-27)

Per the Dept. of Comprehensive Planning, this request is *inconsistent* with the Memphis 3.0 Comprehensive Plan.

RECOMMENDATION (p. 22)

Rejection

Staff Writer: Brett Davis E-mail: brett.davis@memphistn.gov

Staff Report 10 June 2021 PD 21-15 Page 2

GENERAL INFORMATION

Street Frontage: Tillman Street (Minor Arterial) 169 linear feet

Sam Cooper Boulevard (Minor Arterial) 388 curvilinear feet

Broad Avenue (Major Collector) 258 linear feet

Zoning Atlas Page: 2035

Parcel ID: 037039 00009C

Existing Zoning: Residential -6 and Commercial Mixed Use -1

NEIGHBORHOOD MEETING

The required neighborhood meeting was held on-site at 6 p.m. on 26 May 2021.

PUBLIC NOTICE

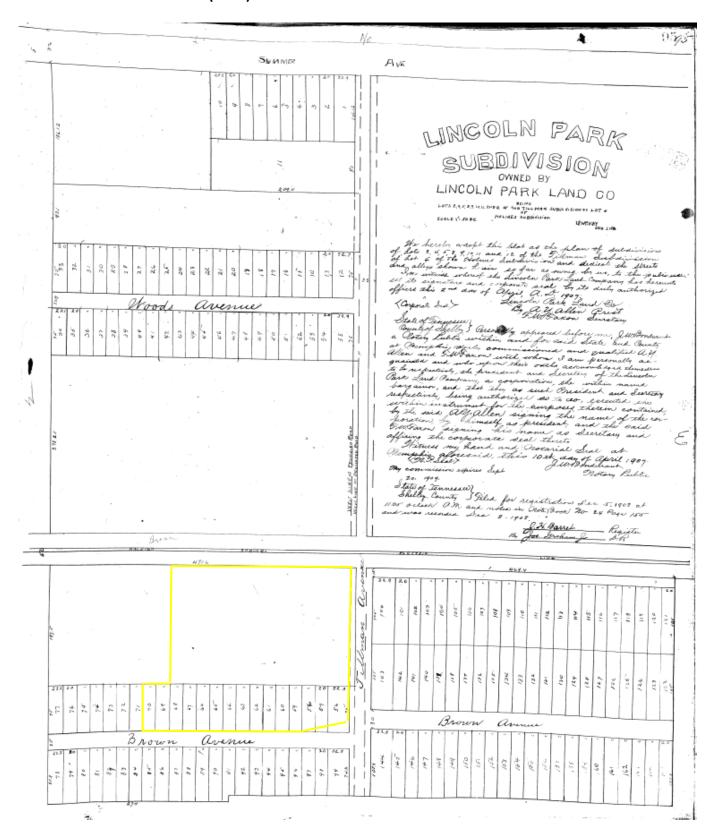
In accordance with Sub-Section 9.3.4A of the Unified Development Code (UDC), a notice of public hearing is required to be mailed and signs posted. A total of 86 notices were mailed on 28 May 2021, and a total of three sign posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



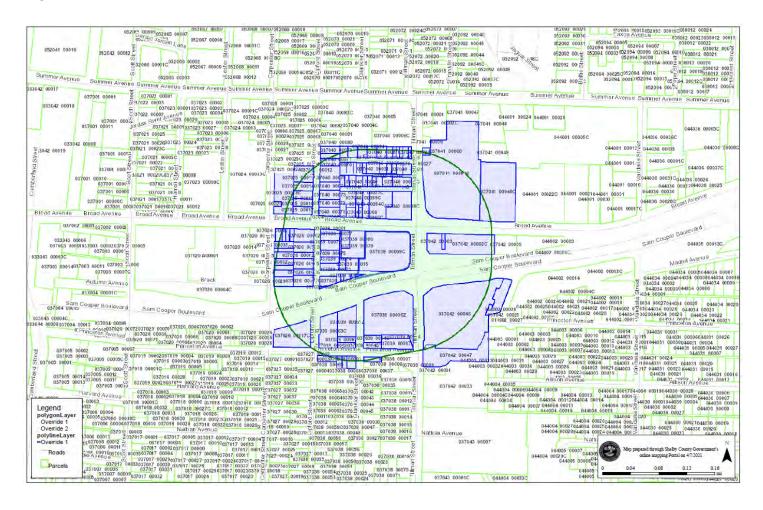
Subject property located in Binghamton

LINCOLN PARK SUBDIVISION (1908)



Property boundaries outlined *roughly* in yellow. No survey was submitted.

VICINITY MAP



AERIAL PHOTO WITH ZONING

Without planning applications



Existing Zoning: Residential – 6 and Commercial Mixed Use – 1

Surrounding Zoning

North: Commercial Mixed Use -1 and Commercial Mixed Use -3

East: Commercial Mixed Use – 3

Residential - 6 South:

Residential – 6 and Commercial Mixed Use – 1 West:

LAND USE MAP



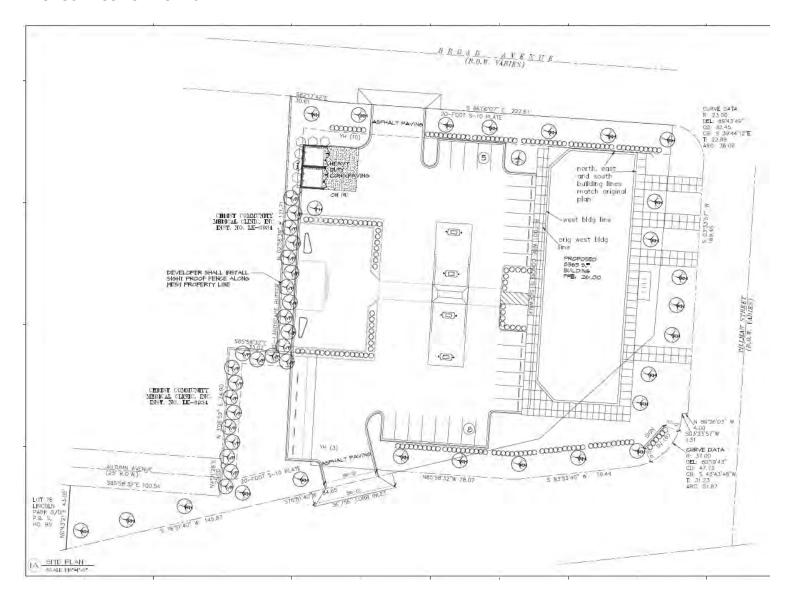
- COMMON AREA LAND
- SINGLE-FAMILY
- MULTI-FAMILY
- INSTITUTIONAL
- COMMERCIAL
- OFFICE
- INDUSTRIAL
- PARKING
- RECREATION/OPEN SPACE
- VACANT

SITE PHOTO



View of part of site, looking east down Sam Cooper

PROPOSED CONCEPTUAL SITE PLAN

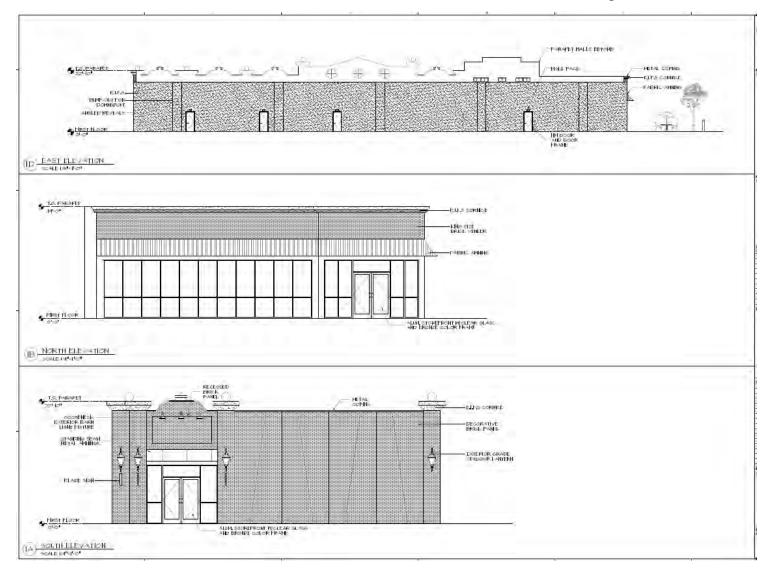


The conceptual design incorporates adjacent right-of-way approved for closure by City Council (see SAC 20-21) for access from Sam Cooper; however, conditions of closure have not yet been met. Because the right-of-way is zoned residential, UDC Section 4.4.5 would prohibit its use for driveway purposes unless incorporated into the planned development once closed or otherwise rezoned.

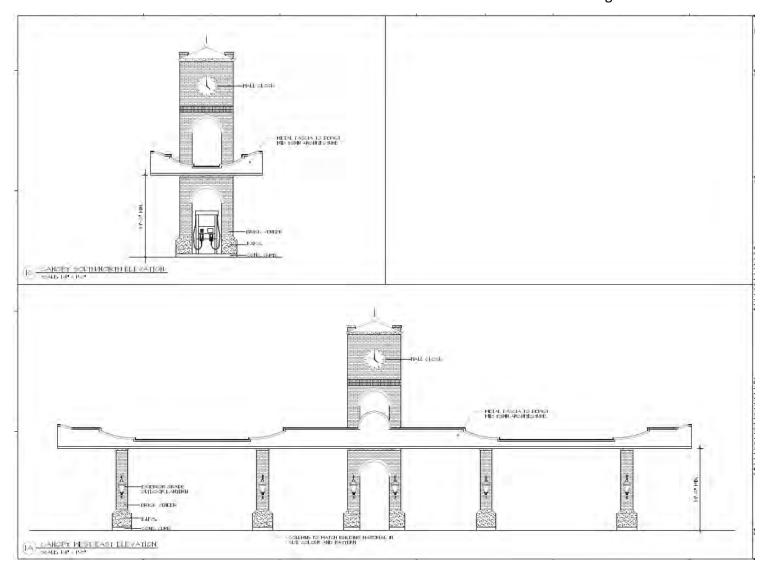
PROPOSED CONCEPTUAL ELEVATIONS



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PROPOSED CONCEPTUAL RENDERINGS















STAFF ANALYSIS

Request

The request is for a special use permit for a planned commercial development with gas pumps.

The application form and letter of intent have been added to this report.

Applicability

Staff *disagrees* that at least one of the objectives as set out in Section 4.10.2 of the Unified Development Code is or will be met.

4.10.2 Applicability

The governing bodies may, upon proper application, grant a special use permit for a planned development (see Chapter 9.6) for a tract of any size within the City or for tracts of at least three acres in unincorporated Shelby County to facilitate the use of flexible techniques of land development and site design, by providing relief from district requirements designed for conventional developments, and may establish standards and procedures for planned developments in order to obtain one or more of the following objectives:

- A. Environmental design in the development of land that is of a higher quality than is possible under the regulations otherwise applicable to the property.
- B. Diversification in the uses permitted and variation in the relationship of uses, structures, open space and height of structures in developments intended as cohesive, unified projects.
- C. Functional and beneficial uses of open space areas.
- D. Preservation of natural features of a development site.
- E. Creation of a safe and desirable living environment for residential areas characterized by a unified building and site development program.
- F. Rational and economic development in relation to public services.
- G. Efficient and effective traffic circulation, both within and adjacent to the development site, that supports or enhances the approved transportation network.
- H. Creation of a variety of housing compatible with surrounding neighborhoods to provide a greater choice of types of environment and living units.
- I. Revitalization of established commercial centers of integrated design to order to encourage the rehabilitation of such centers in order to meet current market preferences.
- J. Provision in attractive and appropriate locations for business and manufacturing uses in well-designed buildings and provision of opportunities for employment closer to residence with a reduction in travel time from home to work.
- K. Consistency with the Memphis 3.0 General Plan.

General Provisions

Staff *disagrees* the general provisions as set out in Section 4.10.3 of the Unified Development Code are or will be met.

4.10.3 General Provisions

The governing bodies may grant a special use permit for a planned development which modifies the applicable district regulations and other regulations of this development code upon written findings and recommendations of the Land Use Control Board and the Zoning Administrator which shall be forwarded pursuant to provisions contained in this Chapter.

- A. The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.
- B. An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development.
- C. The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for structures, parking and loading areas or access way shall be landscaped or otherwise improved except where natural features are such as to justify preservation.
- D. Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest.
- E. Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements.
- F. Lots of record are created with the recording of a planned development final plan.

Commercial or Industrial Criteria

Staff *agrees* the additional planned commercial or industrial development criteria as set out in Section 4.10.5 of the Unified Development Code are or will be met.

4.10.5 Planned Commercial or Industrial Developments

Approval of a planned commercial or industrial development may be issued by the governing bodies for buildings or premises to be used for the retail sale of merchandise and services, parking areas, office buildings, hotels and motels and similar facilities ordinarily accepted as commercial center uses and those industrial uses which can be reasonably be expected to function in a compatible manner with the other permitted uses in the area. In addition to the applicable standards and criteria set forth in Section 4.10.3, planned commercial or industrial developments shall comply with the following standards:

A. Screening

When commercial or industrial structures or uses in a planned commercial or industrial development abut a residential district or permitted residential buildings in the same development, screening may be required by the governing bodies.

B. Display of Merchandise

All business, manufacturing and processing shall be conducted, and all merchandise and materials shall be displayed and stored, within a completely enclosed building or within an open area which is completely screened from the view of adjacent properties and public rights-of-way, provided, however, that when an automobile service station or gasoline sales are permitted in a planned commercial development, gasoline may be sold from pumps outside of a structure.

C. Accessibility

The site shall be accessible from the proposed street network in the vicinity which will be adequate to carry the anticipated traffic of the proposed development. The streets and driveways on the site of the proposed development shall be adequate to serve the enterprises located in the proposed development.

D. Landscaping

Landscaping shall be required to provide screening of objectionable views of uses and the reduction of noise. High-rise buildings shall be located within the development in such a way as to minimize any

adverse impact on adjoining low-rise buildings.

Approval Criteria

Staff *disagrees* the special use permit approval criteria as set out in Section 9.6.9 of the Unified Development Code are being met.

9.6.9 Approval Criteria

No special use permit or planned development shall be approved unless the following findings are made concerning the application:

- A. The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.
- B. The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations.
- C. The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or that the applicant will provide adequately for such services.
- D. The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance.
- E. The project complies with all additional standards imposed on it by any particular provisions authorizing such use.
- F. The request will not adversely affect any plans to be considered (see Chapter 1.9), or violate the character of existing standards for development of the adjacent properties.
- G. The governing bodies may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to insure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this development code.
- H. Any decision to deny a special use permit request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record, per the Telecommunications Act of 1996, 47 USC 332(c)(7)(B)(iii). The review body may not take into account any environmental or health concerns.

Site Description

The subject site, within the Lincoln Park Subdivision, has an area of approximately 1.6 acres. It has three frontages: 169 feet on Tillman, a minor arterial; 388 feet on Sam Cooper, a minor arterial; and 258 feet on Broad, a major collector. The site is vacant.

Site Zoning History

In 2010, the Memphis City Council approved UV 10-7, a use variance for a farmers market on part of this site. In 2015, Council approved PD 15-318, a special use permit for a planned development of a veterinary clinic. No outline plan was ever recorded, although – because one was filed for review – the Council approval does not expire until December 2021. In 2021, Council approved the closure of part of the adjacent Autumn Ave. right-of-way. That land has been included in the plans of the present proposal, although the right-of-way has not yet been closed.

Plan Review

A full plan review will take place during final plan review, if approved.

Staff Inspiration Photo



A pedestrian area in New Orleans mediates retail access from both the rear parking area and street sidewalk, provides a quasi-public space and restaurant seating, and acts as a mental entryway.

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Conclusions

Spire Enterprises has requested a special use permit for a planned commercial development with gas pumps.

The site is split-zoned between Residential -6 (R-6) and Commercial Mixed Use -1 (CMU-1). The south third, along Sam Cooper, is zoned R-6, whereas the northern two thirds, along Broad, are zoned CMU-1. The site is also partially overlaid with a 2015 planned development that ties the land, including some residentially-zoned sections, to CMU-1 zoning. No outline or final plan was ever recorded, and that approval is set to expire in December 2021. The present request concerns a greater area than the 2015 approval. For this reason, it is considered a new planned development, rather than an amendment.

In February 2021, the Memphis City Council and Shelby County Board of Commissioners approved a zoning text amendment that restricted gas pumps in the CMU-1 district. Today, no gas pumps are permitted by right in the CMU-1 district; any proposed gas pumps in that district require legislative approval.

The purpose of this zoning text amendment was: 1) to bring the CMU-1 district's permitted uses closer in line with its intent as a neighborhood-oriented zone in which "auto-oriented uses are not appropriate;" and 2) to address Memphis's high rate of gas stations per capita as compared to other Shelby County municipalities and other sister cities. In addition, there is presently a City-wide moratorium on new gas pumps to allow the Council time to study this latter matter.

The subject site is less than 30 feet from single-family houses within a single-family residential zoning district to its west. It also adjacent to an existing convenience store with gas sales on the north side of Broad. Additionally, it is cater-corner to a retail center emphasizing community economic development owned by the public nonprofit Economic Development Growth Engine to the southeast. On the south side of Sam Cooper is the newly-built, Black-led Collage Dance Collective ballet house. Contemporary commercial development includes the nearby Hampline Brewery, opened in early 2021.

The just-completed Hampline, part of the City's signature bicycle corridor, wraps around the site's Broad and Tillman frontages. Increased traffic associated with gas sales may jeopardize bicyclist safety.

Given recent policy changes regarding gas sales in the CMU-1 district, the site's adjacency to both single-family houses and existing gas pumps, the character of recent development activity in the area, and the site's location on the Hampline, staff finds that an up-zoning for the purpose of permitting gas sales does not meet the approval criteria.

Staff has recommended certain changes to the site design, if approved, to orient the development towards Tillman and the public domain. As proposed by the applicant, all entrances face backward into the parking area, while a blank back wall with utilities and service doors fronts Tillman.

RECOMMENDATION

Staff recommends rejection.

However, if approved, staff recommends the following outline plan conditions:

- I. Permitted Uses, Building Envelope Standards, and General Development Standards
 - A. As if zoned Commercial Mixed Use -2, with the following exceptions:
 - i. The maximum height shall be 48 feet.
 - ii. A Class III landscape buffer shall be installed along the western property line.
 - iii. No outdoor display, storage, or sales shall be permitted, with the exception of gas sales.
 - iv. No window signs or plastic signs shall be permitted.
 - v. All facades that front Tillman shall have a minimum transparency of 70% as measured between 3 and 8 feet from the finished walk. Side facades shall have a minimum transparency of 30% as measured between 3 and 8 feet from the finished walk. Rear facades shall not have a transparency requirement.
 - vi. All facades shall be of masonry construction, unless otherwise approved by the Zoning Administrator. Artificial architectural features such as faux windows shall not be permitted. Plastic awnings shall not be permitted.

II. Site Design

- A. The convenience store shall be to the west of the gas canopy. Other retail shall be to the east of the gas canopy. Robust pedestrian facilities constructed of unique pavers or a similar material shall connect the western and eastern retail areas to each other as well as to public sidewalks, bicycle parking, etc. Such facilities should incorporate a thoughtfully-designed, covered or uncovered pedestrian area between the eastern retail bays that may double as a quasi-public space and center entryway. Special consideration shall be given to the coordination, placement, and screening of utilities.
- B. All primary entrances and facades shall front Tillman. Secondary customer entrances that front the north or south may be permitted. However, customer entrances shall not be permitted to front the west; such rear entrances may be permitted as service entrances.
 - i. If within the eastern retail area a retail bay is not within 20 feet of the Tillman facade, staff may permit primary entrances that do not front the east.
- C. Access points shall be offset to discourage cut-through traffic.
- D. A bicycle repair stand and air pump, specifications of which shall be approved administratively, shall be installed for public use.
- E. Final site design shall be subject to administrative approval.

III. Final Plan

- A. A traffic impact study and traffic signal warrant analysis shall be conducted. If warranted, a traffic signal at the intersection of Broad and Tillman shall be designed and installed by the applicant. Such design shall address the Hampline bicycle corridor.
- B. Approval by the City Engineer may be required.
- C. If adjacent Autumn Ave. right-of-way is closed, that land may be incorporated into this planned development subject to administrative approval.

DEPARTMENTAL COMMENTS

The following comments were provided by agencies to which this application was referred:

City Engineer:

 Standard Subdivision Contract or Street Cut Permit as required in Section 5.5.5 of the Unified Development Code.

Sewers:

- 2. City sanitary sewers are available to serve this development.
- 3. All sewer connections must be designed and installed by the developer. This service is no longer offered by the Public Works Division.

Roads:

- 4. The Developer shall be responsible for the repair and/or replacement of all existing curb and gutter along the frontage of this site as necessary.
- 5. All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA compliance. The developer shall be responsible for any reconstruction or repair necessary to meet City standards.
- 6. The existing raised median opening for the cycle track on Broad Avenue does not appear to match the proposed curb cut. The median opening shall be reconstructed along with the installation of the necessary pavement markings, signage, and delineators.
- 7. The existing median opening on Tillman shall be closed by extending the median and filling in the break.
- 8. Sidewalks shall be installed along all street frontages.
- 9. Dedicate a chord from end of property line radius to end of property line radius at the corner of Tillman Street at Sam Cooper for the establishment of a Traffic Signal Easement.

Traffic Control Provisions:

- 10. The developer shall provide a traffic control plan to the city engineer that shows the phasing for each street frontage during demolition and construction of curb gutter and sidewalk. Upon completion of sidewalk and curb and gutter improvements, a minimum 5 foot wide pedestrian pathway shall be provided throughout the remainder of the project. In the event that the existing right of way width does not allow for a 5 foot clear pedestrian path, an exception may be considered.
- 11. Any closure of the right of way shall be time limited to the active demolition and construction of sidewalks and curb and gutter. Continuous unwarranted closure of the right of way shall not be allowed for the duration of the project. The developer shall provide on the traffic control plan, the time needed per phase to complete that portion of the work. Time limits will begin on the day of closure and will be monitored by the Engineering construction inspectors on the job.

12. The developer's engineer shall submit a Trip Generation Report that documents the proposed land use, scope and anticipated traffic demand associated with the proposed development. A detailed Traffic Impact Study will be required when the accepted Trip Generation Report indicates that the number for projected trips meets or exceeds the criteria listed in Section 210-Traffic Impact Policy for Land Development of the City of Memphis Division of Engineering Design and Policy Review Manual. Any required Traffic Impact Study will need to be formally approved by the City of Memphis, Traffic Engineering Department.

Curb Cuts/Access:

- 13. The City Engineer shall approve the design, number and location of curb cuts.
- 14. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.

Drainage:

- 15. A grading and drainage plan for the site shall be submitted to the City Engineer for review and approval prior to recording of the final plat.
- 16. Drainage improvements, including possible on-site detention, shall be provided under a Standard Subdivision contract in accordance with Unified Development Code and the City of Memphis/Shelby County Storm Water Management Manual.
- 17. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.
- 18. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City and/or County Engineer's Office. Such maintenance shall include, but not be limited to removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.
- 19. The developer should be aware of his obligation under 40 CFR 122.26(b)(14) and TCA 69-3-101 et. seq. to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of storm water associated with the clearing and grading activity on this site.

Site Plan Notes:

- 20. The Site Plan lacks basic information such as street curb lines, sidewalk, cycle track medians, etc.
- 21. Eliminate the multiple extraneous property lines from the Site Plan.

City Fire Division:

- All design and construction shall comply with the 2015 edition of the International Fire Code (as locally amended) and referenced standards.
- Fire apparatus access shall comply with section 503. Where security gates are installed that affect required fire apparatus access roads, they shall comply with section 503.6 (as amended).
- Fire protection water supplies (including fire hydrants) shall comply with section 507.
- Where fire apparatus access roads or a water supply for fire protection are required to be installed, such
 protection shall be installed and made serviceable prior to and during the time of construction except
 when approved alternate methods of protection are provided.
- A detailed plans review will be conducted by the Memphis Fire Prevention Bureau upon receipt of complete construction documents. Plans shall be submitted to the Shelby County Office of Code Enforcement.

Dept. of Comprehensive Planning:

Land Use Designation (see page 80 for details): Anchor Neighborhood- Mix of Building Types (AN-M)

Based on the future land use and degree of change map the proposal <u>IS CONSISTENT</u> with the Memphis 3.0 Comprehensive Plan.

The following information about the land use designation can be found on pages 76 - 122:

1. FUTURE LAND USE PLANNING MAP



Red polygon indicates the application sites on the Future Land Use Map.

2. Land use description & applicability:

Mix of Building Types Anchor Neighborhoods are a combination of one to three-story house-scale buildings with building scale large home and apartments of up to four stories close to anchors and along corridors. In these neighborhoods is a mix of attached, semi-detached, and detached residential, all located within a 10-minute walk from the anchor destination. Any mixed-use is along corridors, allowing shopping destinations to connect between mixed-use and residential neighborhoods.



"AN-M" Goals/Objectives:

Preservation, stabilization, and/or intensification of neighborhoods, focusing investment toward areas that support plan goals and objectives, locating housing near services, jobs, transit, building up not out.

"AN-M" Form & Location Characteristics:

ACCELERATE: Primarily detached, single-family house-scale residences of 1-3 stories in height. Attached, house-scale single-family, duplexes, triplexes and quadplexes of 1-3 stories in height permitted on parcels within 200 feet of an anchor and at intersections where the presence of such housing type currently exists. Building-scale large homes and apartments of 2-4 stories in height permitted on parcels within 100 feet of an anchor; at intersections where the presence of such housing type currently exists at the intersection. Other housing and commercial types along avenues, boulevards and parkways as identified in the Street Types Map where same types exist on one or more adjacent parcels.

The applicant is seeking approval for a planned development with the intention of developing a retail center to include retail bays, a convenience store with a fuel center and a community plaza.

The request does not meet the criteria of AN-M, Accelerate because the proposed Planned development is located along SW corner of Tillman and Broad Avenue which are identified as avenue and parkway in the Street Types Map. The same type of uses does not exist on one or more adjacent parcels.

3. Existing, Adjacent Land Use and Zoning

The subject site is surrounded by the following land uses: Single-Family, Office, Parking, Vacant, and Commercial. The subject site is surrounded by the following zoning districts: CMU-1, CMU-3, and R-6. This requested land use is compatible with the adjacent zoning districts because *existing zoning district* surrounding the parcels is dissimilar in nature to the requested use.

4. Degree of Change map



Red polygon denotes the proposed site in Accelerate Degree of Change area.

5. Degree of Change Descriptions

Requested parcel is designated as Nurture areas on the degree of change map.

Accelerate areas rely on a mix of primarily private and philanthropic resources along with some public resources to intensify the existing pattern of a place.

Actions for Accelerate anchors and anchor neighborhoods are meant to:

- · Improve public realm and infrastructure
- Improve multi-modal transportation options
- Speed up development activity
- Increase density
- Increase mix of uses
- · Promote and protect affordable housing

Ways to Accelerate:

- Increase building height
- Allow greater mix of uses
- Attract retail and service uses that cater to larger-scale markets
- Reduce building setbacks or establish build-to lines
- Construct new streets or pathways to increase connectivity within large sites
- Consolidate smaller lots into larger parcels that are more attractive for development
- Consider tax increment financing (TIF) districts
- Improve or create parks and civic assets
- Promote pedestrian-oriented infill development
- Reduce surface parking in favor of structured parking and parking demand management options

The proposed application is incongruent with the degree of change designation as it does not address the public realm or promote pedestrian-oriented infill development.

Based on the information provided, the proposal <u>IS INCONSISTENT</u> with the Memphis 3.0 Comprehensive Plan.

Summary Compiled by: Faria Urmy, Comprehensive Planning.

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City Real Estate:

County Health Department:

Shelby County Schools:

Memphis Light, Gas and Water:

Dept. of Sustainability and Resilience:

Dept. of Construction Enforcement:

No comments received.

No comments received.

No comments received.

No comments received.

APPLICATION FORM



Memphis and Shelby County Office of Planning and Development CITY HALL 125 NORTH MAIN STREET-SUITE 468 MEMPHIS, TENNESSEE 38103-2084 (901) 576-6601

APPLICATION FOR PLANNED DEVELOPMENT APPROVAL (OUTLINE PLAN APPROVAL/OUTLINE PLAN AMENDMENT)

Property Owner of Record: MVS Real Es		OR PRINT Phone #	
Name of Development: Broad Avenue Pla Property Owner of Record: MVS Real Es Mailing Address: 555 Trinity Creek Cove		Dhou #	
	state Mid Town LLC	Dhana #	
	State wild 1 Owill CCC		
		City/State: Cordona/TN	Zip 38018
		City/State: Colonia III	Zip score
Property Owner E-Mail Address:		- Williams	
Applicant: Spire Enterprises			901-494-1559
Mailing Address: P.O. Box 77085	ALUCK TO THE	City/State: Memphis/TN	Zip 38177
Applicant E-Mail Address: realestate@ Representative: John Behnke	johnbennke us	Dhana #	901-494-1559
Mailing Address: P.O. Box 770065		City/State: Memphis/TN	Zip 38177
Representative E-Mail Address: realest	tate@iohnbehnke.us	City/State.	Zip
Engineer/Surveyor: David Bray, P.E The		Phone #	901-383-8668
Mailing Address: 2950 Stage Plaza North	,	City/State: Bartlett/TN	Zip 38134
	Inhray/Monmoast net	City/State.	Zip-s-s-
Engineer/Surveyor E-Mail Address: of Street Address Location: 2977 Broad Ave		7	
Distance to nearest intersecting street:			E Tilman Poad
Distance to hearest intersecting street.	properly located at the corn	ei or sam cooper bivorbroad Avenue o	x tiiman road
Area in Acres:	Parcel 1 1.636	Parcel 2	Parcel 3
Existing Zoning:	commercial		
Existing Use of Property Requested Use of Property	vacant land retail shops/C-store		

Amendment(s): Is the applicant applying for an amendment to an existing Planned Development?

Yes

No ×

The following modifications to existing planned developments are considered amendments: 1) a change to the permitted uses in a planned development, except in situations where a use of a higher classification is proposed to be changed to a use of a lower classification; 2) a modification to conditions that phases the uses, and 3) a conversion of public streets. See Section 9.6.11E(1) of the UDC for further details.

4.10.3 Planned Development General Provisions

The governing bodies may grant a special use permit for a planned development which modifies the applicable district regulations and other regulations of this development code upon written findings and recommendations to the Land Use Control Board and the Planning Director which shall be forwarded pursuant to provisions contained in section 4.10.3:

Please address each sub-section below (Provide additional information on a separate sheet of paper if needed).

- The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.
 - The proposed development will not effect the above. The subject site is located at the corner of a high traffic corridor and surrounding properties are already developed. The proposed use is compatible with the other commercial uses nearby and will not negatively impact their use value or enjoyment.
- An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development.

These infrastructure items are already present or will be added concurrent with the development.

- The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses... (see UDC sub-section 4.10.3C)
 The site plan provides for thoughtful arrangement of all design elements to be in harmony surrounding land uses.
- Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest.

The project will comply with the design standards of PD 15-318.

- Homeowners' associations or some other responsible party shall be required to maintain any and all
 common open space and/or common elements.
 - The community plaza will have a contact person and/or system for scheduling.
- Lots of records are created with the recording of a planned development final plan.
 N/A

REQUIREMENTS PRIOR TO APPLICATION SUBMISSION

PRE-APPLICATION CONFERENCE - Not more than six (6) months nor less than five (5) working days prior to filing an application, the applicant shall arrange for a mandatory pre-application conference with OPD.

Pre-Application Conference held on: Fall 2020 with Mr. Brett Davis

NEIGHBORHOOD MEETING - At least ten (10) days, but not more than 120 days, prior to a hearing before the Land Use Control Board, the applicant shall provide an opportunity to discuss the proposal with representatives from neighborhoods adjacent to the development site (Section 9.3.2).

Neighborhood Meeting Requirement Met: Yes or Not Yet (Circle one)

(If yes, documentation must be included with application materials)

SIGN POSTING - A sign or signs shall be erected on-site no more than 30 days or less than 10 days prior to the date of the Land Use Control Board hearing. See Sub-Section 9.3.4C of the UDC for further details on sign posting.

I (we) hereby make application for the Planned Development described above and on the accompanying materials. I (we) accept responsibility for any errors or omissions which may result in the postponement of the application being reviewed by the Memphis & Shelby County Land Use Control Board at the next available hearing date. I (We), owner(s) of the above described property hereby authorize the filing of this application and the above named persons to act on my behalf.

Todd Tobias04.08.2021John Behnke04/08/2021Property Owner of RecordDateApplicantDate

GUIDE FOR SUBMITTING PLANNED DEVELOPMENT APPLICATION (OUTLINE PLAN APPROVAL/OUTLINE PLAN AMENDMENT)

- A <u>THE APPLICATION</u> Two (2) collated sets of this application in accordance with the requirements of the Unified Development Code and as outlined below shall be submitted to OPD. The following information is required to be submitted for consideration as a complete application, and except for copies of the Outline and/or Site/Concept Plan, shall be provided on sheets of 8.5"x11" in size. The application with original signatures shall be completed either with legible print or typewritten. Each application set shall be compiled in the following order:
 - This application, 8.5"x11" Outline and/or Site/Concept Plan, Legal Description, Vicinity Map, 2-3 sets of gummed-backed Mailing Labels, 2 sets of paper copied Mailing Labels, Letter of Intent, 20"x24" Outline and/or Site/Concept Plan (folded), copy of Deed(s).
 - A compact disc with all submittal documents in "PDF" and any proposed conditions in "WORD".
- B. <u>LETTER OF INTENT</u> The letter shall include the following:
 - a) A brief narrative statement generally describing the nature, location and extent of the development and the market it is intended to serve.
 - A list of any professional consultants associated with the proposed development.
 - c) A written statement generally describing the relationship of the proposed development to the current policies and plans of the City and County. The statement shall include how the proposed

LETTER OF INTENT

Spire Enterprises

April 4th, 2021

Brett Davis
Land Use & Development Services
Memphis & Shelby County division of Planning & Development
City Hall, 125 N. Main Street, Suite 477
Memphis, Tennessee 38103

Re: Application for Planned Development approval Convenience store w/pumps | retail bays | community plaza 2977 Broad Avenue, Memphis, TN 38112

Dear Mr. Davis,

We are pleased to submit an Application for a Planned Development on behalf of San Investment 5 LLC, as applicant and also the existing owner of the subject property requesting approval for the development. The purpose of this application is to request approval for a Planned Development to allow a retail center to include retail bays, a convenience store with a fuel center and a community plaza.

Consultation with planning staff for pre-application review began in July 2020, however, the most recent review was done January 4th, 2021 to discuss the request, obtain forms, review process and look at mapping/plans of the proposed site.

The subject property is 1.636 acres in size in zoning district CMU-1. The land has been vacant for many years with previous development attempts having not been pursued. A planned development (PD15-318) was approved in December of 2015 which permitted convenience store with pumps.

Under the applicant's proposal the site will be developed with a new 8,365 sq. ft. multi-architectural designed building facing to the interior with pedestrian access to each store from Tillman. There will be up to 6 retail bays, a convenience store with 4 gasoline fuel pumps for a total of 8 individual pumps and a community plaza. The end cap stores will have covered outdoor seating. A bike rack with a bike aire/repair station will be located at the front of the complex for use free of charge. An original concept fuel canopy with a clock tower has been integrated in to the design. The stores and exterior parking lot will be well lighted with numerous security cameras. There will be a total of 26 parking spaces with two reserved for handicap. Landscaping is planned for all sides of the property. A community plaza with its own canopy, landscaping and power hook-ups will be on the East side of the property.

Traffic flow will ingress/egress primarily from Sam Cooper Boulevard and to a lessor degree from Broad Avenue with a single curb cut for each. The breaks in the land curbs on Broad Avenue will be reconfigured for access alignment. The gasoline pump placement will provide an efficient queuing pattern and ease of maneuverability within the site. At the request of Rev. Keith Norman of First Baptist Church, the applicant will work with DPD and Traffic Engineering for a signal at Broad Avenue and Tillman Street.

Letter of Intent April 2021



The Long Range Transportation Plan has designated Sam Cooper as an Urban Freeway, Tillman as an Urban Minor Arterial and Broad Avenue as an Urban Other Principal Arterial. The traffic flow to and from the store will have negligible impact on residential areas.

Pursuant to Section 9.69 and Section 2.6.3-J of the UDC, Planned Development/SUP Permit Criteria a permit may be granted providing the stated criteria are met. [see attached for more detail] To wit:

- The drive thru queuing spaces and proposed uses streamline traffic flow/turning movements within the site and provide safe, easy access to and fro at the location. Ample parking spaces are provided to accommodate customers and employees.
- Overall uses at the property will provide desired services to the area and to travelers from Sam Cooper Blvd and is also pedestrian friendly.
- Adjacent properties will benefit from a clean, secure and modern retail center, convenience store facility and a community plaza.
- Adequate emergency services and street, sidewalk, curb cuts, utilities and sewer capacity exist.
- The completed design will be congruent with the surrounding area and its primary goal will be to serve the people nearby striving for a pleasant consumer shopping experience as well as the opportunity for a community gathering place.
- It is unlikely that any investor would develop this land for residential use.

Spire Enterprises is requesting a finding that developing the land for retail stores, a convenience store with gasoline pumps and community plaza at the subject site would be substantially in compliance with the policies, goals, objectives and spirit of Memphis/Shelby County zoning ordinance(s) and that a Planned Development for the proposed use should be granted.

Thank you,

SPIRE ENTERPRISES

John Behnke Consultant

PROPERTY OWNER'S AFFIDAVIT



Property Owner's Affidavit

In the event the applicant is not the Owner, the following shall be signed and acknowledges by the owner.

Memphis and Shelby County Unified Development Code Section 12.3.1

OWNER: Includes the holder of legal title as well as holders of any equitable interest, such as trust beneficiaries, contract purchasers, option holders, lessees under leases having an unexpired term of at last ten years, and the like. Whenever a statement of ownership is required by the Memphis and Shelby County Unified Development Code, full disclosure of all legal and equitable interest in the property is required. Memphis and Shelby County Unified Development Code Section 12.3.1.

My Commission Expires a 7-ed-cate

SIGN AFFIDAVIT

	AFFIDAVIT		
Shelby County State of Tennessee			
I, John Behnke the _4th day of _ May to Case No providing notice of a Public Hea City Council, Shelby Co Land Use Action (Plan District Map Amendment, attached bereen and a convect	at, 20_21, l parting before thexxxLar county Board of Commissioned Development,xxx Street and/or Alley Clos	ioners for consideration of Special Use Permit, cure), a photograph of said :	(s) pertaining Memphis a proposedZoning sign(s) being
attached hereon and a copy of the Columbia Colum	(MAY 5th, 20 Date	2_(
Subscribed and sworn to before	me this5thday of	May , 20 21	<u>s</u>
Notáry Public My commission expires: MY C	OMMISSION EXPIRES APRIL 22, 2022	STATE OF NOTARY PUBLIC	MARYLOR WILLIAM
		THE COUNTY	int.

LETTERS RECEIVED

One letter of opposition was received at the time of publication. It is pasted below.

Hi Brett!

My name is Sean Davis and I am a lifelong resident of Memphis, TN and have lived in the Highpoint Terrace

Neighborhood for the past 5 years. As a resident of this neighborhood and frequent cyclist who bikes to work and uses
the Broad Avenue bike lanes to get to Overton Park from Highpoint to Downtown multiple times a week I would like to
let my feelings be known about the proposed gas station at Sam Cooper and Broad Avenue is a very bad idea.

I am definitely against this gas station and would like to give you my personal feelings as to why I think this is a very bad idea from the viewpoint of someone who has logged hundreds of trips through that area in the past few years. Here are my main points:

- 1. Safety This is my number one reason there should not be a gas station at that location. Creating an entrance where cars are pulling in and out constantly is going to create a huge safety issue for people walking and biking over there. I'd say over half the time I am biking on bike lanes on Broad and Tillman people just do not see cyclists and I'm having close calls all the time. I know there are other entrances to businesses like the Church Health Center where cars are turning but they would not have near the number of cars pulling in and out a gas station would. Also since Sam Cooper and Broad is so congested you are going to have cars blocking the bike lanes while waiting to exit the gas station.
- Congestion Sam Cooper and Broad is almost always congested right now and adding more traffic right there with people is going to make it much worse. There does need to be a light there and that's the only good thing this proposal has attached to it.
- 3. I know the gas station wants to be a place to hang out and they are trying to make this the main selling point to make it fit in with the neighborhood. I've never seen a gas station where people want to hang out no matter how many amenities are there. Watching cars and smelling all the interesting smells and sounds all the cars make going down Sam Cooper does not make a good place to hang out.
- 4. I think the last and easiest point I would like to make is that there is already a gas station across the street. I know many areas of the city have 2 gas stations across the street from each other but I think a special consideration should be made since Broad avenue is such a bike conduit to other parts of the city.

In closing, Broad Avenue has come a long way as a pedestrian and bicycle friendly part of town. I am young enough to remember driving with my parents down Broad before Sam Cooper bypassed it. I also remember how it was a ghost town for so many years until its recent resurgence. Its a very unique part of Memphis and please don't ruin the progress Broad Avenue has made by introducing even more automobile traffic to that area.

I am available to talk during the Zoom meeting about this on May 13th. Also my number is 901-277-3181 if you need to reach me in person.

Thank you for your time, Sean Davis From: Elizabeth Terrell
To: Davis, Brett
Subject: 2977 Broad Ave.

Date: Monday, June 7, 2021 7:24:35 PM

CAUTION: This email originated outside of the City of Memphis organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Davis,

I had the joy and pleasure of meeting with John Behnke on May 26th at 2977 Broad Ave. to discuss his plans for the development of that corner. I am totally in favor of this development. I think it will be a welcoming presence to travelers both entering and exiting the expressway. It will provide an area for people to sit outside and eat lunch, whether traveling or in the neighborhood. Bicyclists can stop and repair their bicycles, get refreshments and have access to restrooms.

I love that the outside of the shops architecturally reflect the time period of the beginning of the neighborhood. It makes this development fit into the neighborhood and shows the care and concern that Mr. Behnke has for the area. I look forward to seeing this development completed on this corner. I am a property owner in Binghampton and I am currently renovating a house there.

Sincerely, Rev. Liz Terrell 901-647-2788

Sent from my iPhone





July 1, 2021

Mr. Brett Davis, Municipal Planner Memphis/Shelby County Dept. of Planning & Development 125 N. Main Street, Suite 477 Memphis, TN 38103

Dear Mr. Davis,

We have received the site plan for the proposed development at Sam Cooper and Tillman. John Behnke has taken the time to review all of the details of the proposed plan and we are in support of the project.

The developer has graciously offered to provide Christ Community Health Services with much needed parking for employees and medical staff at the Southwest corner of the proposed development. We would very much appreciate and respectfully ask that you and the City Council support us in integrating the additional parking we need into the final plan. This feature will ensure added safety and convenience to our people for access to our clinic.

We are delighted to see this land will finally be put to a productive use.

Singerely

Shantelle Leatherwood

Chief Executive Officer

cc: John Behnke

Spire Enterprises

SCALE 1/16"=1'-0"

OUTLINE PLAN CONDITIONS:

- PERMITTED USES, BUILDING ENVELOPE STANDARDS, AND GENERAL DEVELOPMENT STANDARDS
- A. AS IF ZONED COMMERCIAL MIXED USE 2, WITH THE FOLLOWING EXCEPTIONS:
- I. THE MAXIMUM HEIGHT SHALL BE 48 FEET.
- II. A CLASS III LANDSCAPE BUFFER SHALL BE INSTALLED ALONG THE WESTERN PROPERTY LINE.
- iii. NO OUTDOOR DISPLAY, STORAGE, OR SALES SHALL BE PERMITTED, WITH THE EXCEPTION OF GAS SALES.
- IV. NO WINDOW SIGNS OR PLASTIC SIGNS SHALL BE PERMITTED. V. ALL FACADES THAT FRONT TILLMAN SHALL HAVE A MINIMUM TRANSPARENCY OF 70% AS MEASURED BETWEEN 3 AND 8 FEET FROM THE FINISHED WALK. SIDE FACADES SHALL HAVE A MINIMUM TRANSPARENCY OF 30% AS MEASURED BETWEEN 3 AND 8 FEET FROM THE FINISHED WALK. REAR FACADES SHALL NOT HAVE A TRANSPARENCY REQUIREMENT.
- VI. ALL FACADES SHALL BE OF MASONRY CONSTRUCTION, UNLESS OTHERWISE APPROVED BY THE ZONING
- ADMINISTRATOR. ARTIFICIAL ARCHITECTURAL FEATURES SUCH AS FAUX WINDOWS SHALL NOT BE PERMITTED. PLASTIC AWNINGS SHALL NOT BE PERMITTED.

ii. SITE DESIGN

- A. THE CONVENIENCE STORE SHALL BE TO THE WEST OF THE GAS CANOPY. OTHER RETAIL SHALL BE TO THE EAST OF THE GAS CANOPY. ROBUST PEDESTRIAN FACILITIES CONSTRUCTED OF UNIQUE PAVERS OR A SIMILAR MATERIAL SHALL
- CONNECT THE WESTERN AND EASTERN RETAIL AREAS TO EACH OTHER - AS WELL AS TO PUBLIC SIDEWALKS, BICYCLE
- PARKING, ETC. SUCH FACILITIES SHOULD INCORPORATE A THOUGHTFULLY-DESIGNED, COVERED OR UNCOVERED PEDESTRIAN AREA BETWEEN THE EASTERN RETAIL BAYS THAT
- MAY DOUBLE AS A QUASI-PUBLIC SPACE AND CENTER ENTRYWAY. SPECIAL CONSIDERATION SHALL BE GIVEN TO THE COORDINATION, PLACEMENT, AND SCREENING OF UTILITIES.
- B. ALL PRIMARY ENTRANCES AND FACADES SHALL FROM TILLMAN. SECONDARY CUSTOMER ENTRANCES THAT FRONT THE NORTH OR SOUTH MAY BE PERMITTED. HOWEVER, CUSTOMER ZIN ENTRANCES SHALL NOT BE PERMITTED TO FRONT THE
 - WEST, SUCH REAR ENTRANCES MAY BE PERMITTED AS SERVICE
 - I. IF WITHIN THE EASTERN RETAIL AREA A RETAIL BAY IS NOT WITHIN 20 FEET OF THE TILLMAN FACADE,
 - STAFF MAY PERMIT PRIMARY ENTRANCES THAT DO NOT FRONT THE EAST.
 - C. ACCESS POINTS SHALL BE OFFSET TO DISCOURAGE CUT-THROUGH TRAFFIC.
 - D. A BICYCLE REPAIR STAND AND AIR PUMP, SPECIFICATIONS OF WHICH SHALL BE APPROVED ADMINISTRATIVELY, SHALL BE INSTALLED FOR PUBLIC USE.
 - E. FINAL SITE DESIGN SHALL BE SUBJECT TO ADMINISTRATIVE APPROVAL.

III. FINAL PLAN

- A. A TRAFFIC IMPACT STUDY AND TRAFFIC SIGNAL WARRANT ANALYSIS SHALL BE CONDUCTED. IF WARRANTED, A TRAFFIC SIGNAL AT THE INTERSECTION OF BROAD AND TILLMAN SHALL BE DESIGNED AND INSTALLED BY THE APPLICANT. SUCH DESIGN SHALL ADDRESS THE HAMPLINE BICYCLE CORRIDOR. B. APPROVAL BY THE CITY ENGINEER MAY BE REQUIRED.
- C. IF ADJACENT AUTUMN AVE. RIGHT-OF-WAY IS CLOSED, THAT \mid SITE PLAN LAND MAY BE INCORPORATED INTO THIS PLANNED DEVELOPMENT SUBJECT TO ADMINISTRATIVE APPROVAL.

NEERAJ KUMAR B. Arch., M. Arch., M.C.R.P., LEED AP (BD+C) ARCHITECT (MS License No. 5279)

1255 Lynnfield Road, Suite 226 Memphis, Tennessee 38139 Telephone: 901.603-8765 E-Mail: designgroup50@yahoo.com

OWNER NAME AND ADDRESS

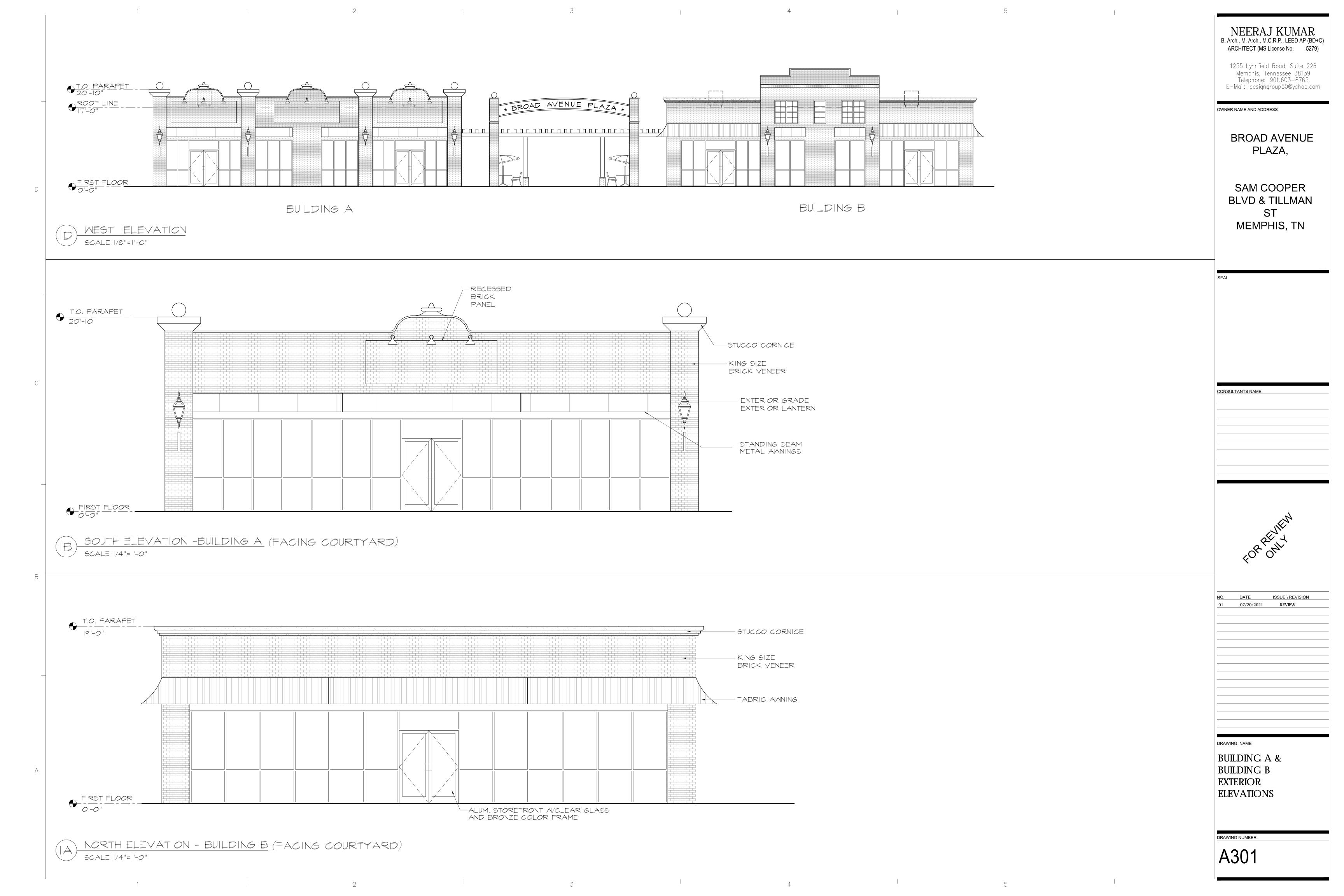
BROAD AVENUE PLAZA,

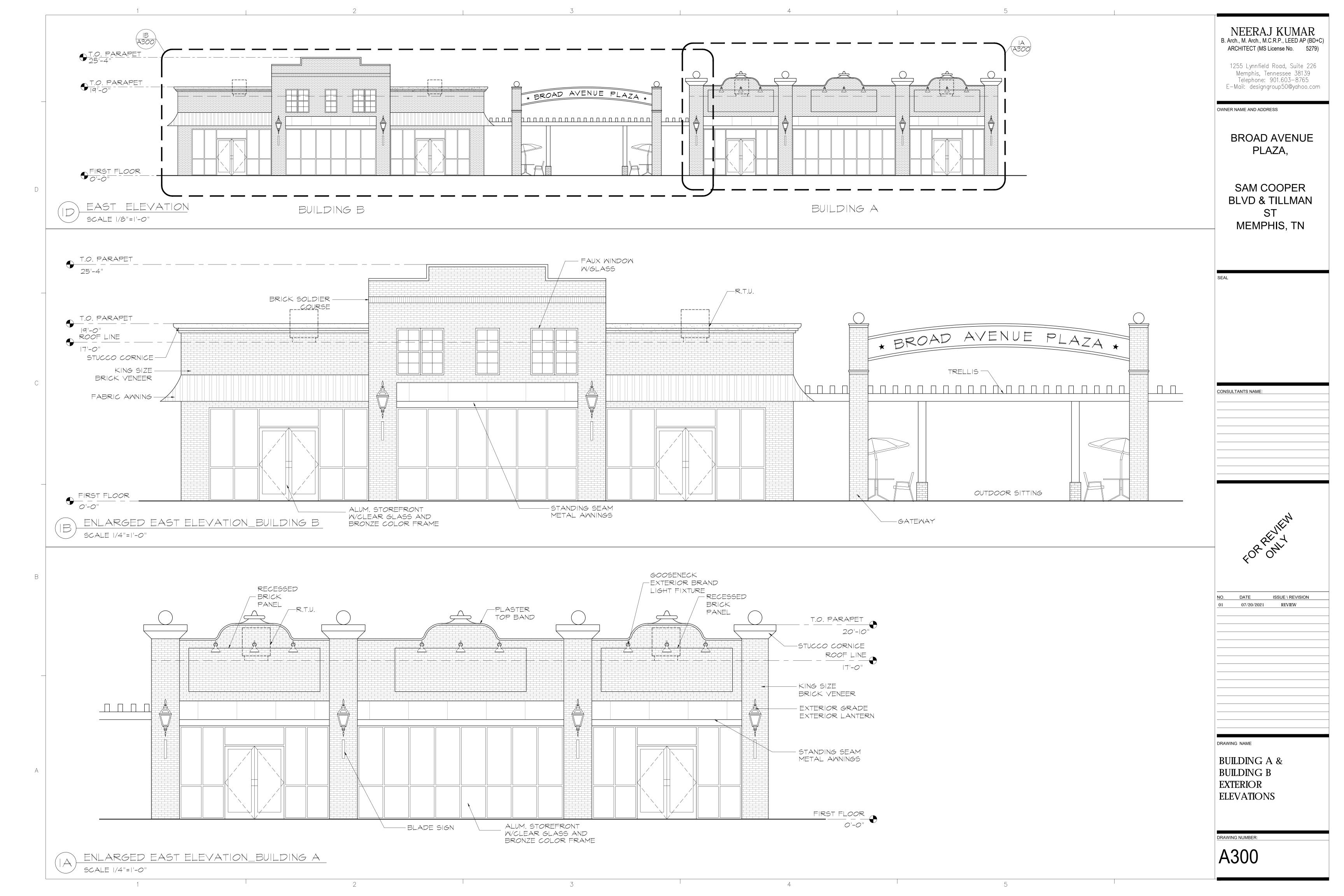
SAM COOPER **BLVD & TILLMAN** ST MEMPHIS, TN

CONSULTANTS NAME:

DRAWING NAME

A100





CITY OF MEMPHIS COUNCIL AGENDA CHECK OFF SHEET

	COU	NCIL AGENDA CHEC	K OFF SHEET	ľ	
ONE ORIGINAL ONLY STAPLED TO DOCUMENTS	Planning & Z	Zoning COMMITTEE:	<u>05/18/2021</u>	Planning & Developm DIVISION	<u>ent</u>
		PUBLIC SESSION:	DATE 05/18/2021 DATE	FIRST READING:	04/20/21 DATE
ITEM (CHECK ONE) X ORDINANCE RESOLUTION OTHER:	CONDEMNAT	IONS GRAN		E / AMENDMENT C HEARING	
ITEM DESCRIPTION:		ing item was heard by the l		opment Code regarding the Board and a recommendati	
CASE NUMBER:	ZTA 21-1				
LOCATION:	City of Memphis and	unincorporated Shelby Cou	ınty		
APPLICANT:	Office of the Shelby C	County Mayor			
REPRESENTATIVE:	Alex Hensley, Special	Assistant to Mayor Lee H	arris		
REQUEST:	Adopt amendments to	the Memphis and Shelby	County Unified D	evelopment Code.	
AREA:	This text amendment a	affects all property within t	the City of Mempl	his and unincorporated She	lby County.
RECOMMENDATION:	Division of Planning a Land Use Control Boa	and Development: Appro			
RECOMMENDED COU	NCIL ACTION: Public	ation in a Newspaper of Go	eneral Circulation	<u>Required</u>	
PRIOR ACTION ON ITEM (2)	М:	APPROVAL - (1) APPI	ROVED (2) DEN	IED	
4/8/2021		DATE			
(1) Land Use Control Board	d	ORGANIZATION - (1) (2) GOV'T. ENTITY (3			
FUNDING:					
<u>(2)</u>		REQUIRES CITY EXP		YES (2) NO	
<u>\$</u> \$		AMOUNT OF EXPENI REVENUE TO BE REC			
SOURCE AND AMOUNT	OF FUNDS		_		
<u>\$</u>		OPERATING BUDGET CIP PROJECT #	ľ		
\$		FEDERAL/STATE/OT	HER		
ADMINISTRATIVE APP	ROVAL:	<u>DATE</u>	<u>POSITION</u>		:======================================
			PRINCIPAL P	PLANNER	
			DEPUTY DIR	ECTOR	
			DIRECTOR		
			DIRECTOR (J	JOINT APPROVAL)	
			COMPTROLL	LER	
			FINANCE DII	RECTOR	
			CITY ATTOR	NEY	
· · · · · · · · · · · · · · · · · · ·			CHIEF ADM	INISTRATIVE OFFICER	
T.				CHAIDMAN	



Memphis City Council Summary Sheet

Ordinance approving a Zoning Text Amendment to amend the Unified Development Code.

- 1. Ordinance to approve a Zoning Text Amendment initiated by the Shelby County Mayor's office.
- 2. Zoning Text Amendments amend the Memphis and Shelby County Unified Development Code.
- 3. This particular amendment will add language regulating oil pipelines; specifically, that they be at least 1500 feet from certain land uses such as schools, places of worship, family recreation centers, parks and residences.
- 4. The Memphis and Shelby County Land Use Control Board held a public hearing on **April 8, 2021**, and approved the Text Amendment by a vote of 8 to 0.
- 5. No contracts are affected by this item.
- 6. No expenditure of funds/budget amendments are required by this item.

Joint Ordinance No.:	
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A JOINT ORDINANCE AMENDING THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE AS ADOPTED BY THE CITY OF MEMPHIS AUGUST 10, 2010, AND BY SHELBY COUNTY AUGUST 9, 2010, AS AMENDED, TO REVISE AND ENHANCE THE JOINT ZONING AND SUBDIVISION REGULATIONS AS RECOMMENDED BY THE MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING & DEVELOPMENT AND THE LAND USE CONTROL BOARD.

WHEREAS, By the provisions of chapter 165 of the Private Acts of the General Assembly of the State of Tennessee for the year 1921, authority was conferred upon the legislative body of the City of Memphis, Tennessee, to establish districts or zones within the corporate territory of the City of Memphis and to establish zoning regulations pertaining thereto, and to amend said zones or districts and zoning regulations pertaining thereto from time to time; and

WHEREAS, By the provisions of chapter 613 of the Private Acts of the General Assembly of the State of Tennessee for the year 1931, the legislative bodies of the City of Memphis and the County of Shelby were given authority to establish districts or zones within the territory in Shelby County, Tennessee, outside of, but within five miles of the corporate limits of the City of Memphis, Tennessee, and to establish zoning regulations pertaining thereto, and to amend said zones or districts and zoning regulations pertaining thereto from time to time; and

WHEREAS, By the provisions of chapter 625 of the Private Acts of the General Assembly of the State of Tennessee for the year 1935, authority was conferred upon the legislative body of the County of Shelby, to establish districts or zones within the unincorporated territory of Shelby County and outside the five-mile zone of the corporate limits of the City of Memphis, Tennessee, and to amend said zones or districts and zoning regulations pertaining thereto from time to time; and

WHEREAS, by the provisions of chapter 470 of the Private Acts of 1967, the General Assembly of the State of Tennessee conferred upon the legislative body of Shelby County the authority to regulate the subdivision or resubdivision of land into two or more parts; and

WHEREAS, by the provisions of section 2 of chapter 470 of the Private Acts of 1967, the General Assembly of the State of Tennessee conferred upon the legislative bodies of the City of Memphis and the County of Shelby the authority to regulate the subdivision and resubdivision of land within three miles of the corporate limits of the City of Memphis into two or more parts; and

WHEREAS, by provisions of T.C.A. title 54, ch. 10 [§ 54-10-101 et seq.], the General Assembly of the State of Tennessee conferred on the legislative body of Shelby County the authority to open, close or change public roads within the areas subject to its jurisdiction; and

WHEREAS, the Unified Development Code was adopted by the city of Memphis on August 10, 2010, and by Shelby County on August 9, 2010, as the new regulations for zoning and subdivisions in the city of Memphis and unincorporated Shelby County; and

WHEREAS, the Executive Office of Shelby County is one of the entities identified by the Unified Development Code as one that may initiate amendments to the Code; and

WHEREAS, the Office of the Shelby County Mayor submitted its request to amend the Unified Development Code in such a way that would enable the regulation of oil pipelines; and

WHEREAS, The Unified Development Code should reflect the adoption of the amendments presented by the Office of the Shelby County Mayor; and

WHEREAS, The Memphis and Shelby County Land Use Control Board approved these amendments at its April 8, 2021, session;

NOW, THEREFORE, BE IT ORDAINED, By the City Council of the City of Memphis and by the Board of Commissioners of Shelby County, Tennessee that Joint Ordinance Nos. 5367 and 397, is hereby amended as follows:

SECTION 1, CASE NO. ZTA 21-1. That various sections of the Unified Development Code be hereby amended as reflected on Exhibit A, attached hereto.

SECTION 2. That the various sections, words, and clauses of this Joint Ordinance are severable, and any part declared or found unlawful may be elided without affecting the lawfulness or the remaining portions.

SECTION 3. That only those portions of this Joint Ordinance that are approved by both the City Council of the City of Memphis and the Board of Commissioners of Shelby County, Tennessee, shall be effective; any portions approved by one and not the other are not part of this Joint Ordinance.

SECTION 4. That this Joint Ordinance shall take effect from and after the date it shall have been enacted according to due process of law, and thereafter shall be treated as in full force and effect in the jurisdictions subject to the above-mentioned Ordinance by virtue of the concurring and separate passage thereof by the Shelby County Board of Commissioners and the Council of the City of Memphis.

BE IT FURTHER ORDAINED, That the various sections of this Ordinance are severable, and that any portion declared unlawful shall not affect the remaining portions.

BE IT FURTHER ORDAINED, That this Ordinance shall become effective , 2021.

Chairma
Frank Colvett, J

APPENDIX A

(additions indicated in bold, underline; deletions indicated in strikethrough)

Amend Section 2.5.2:

Insert a new use category, "Oil pipeline," and permit this use by right in all zoning districts. Also, add a reference to a new use standard for this use in the far-right column, a new Sub-Section 2.6.2L.

Insert a new Section 2.6.2L:

2.6.2L Oil Pipelines

Oil pipelines shall be no closer than 1500 feet of any school, place of worship, park, family recreation center, or any residential use, as measured from the center line of the oil pipeline to the building footprint of the school, place of worship, park, family recreation center, or residence.

Amend Section 12.3.1:

OIL PIPELINE: any tube, usually cylindrical, through which petroleum flows from one point to another.

dpd STAFF REPORT

CASE NUMBER: ZTA 21-1 L.U.C.B. MEETING: April 8, 2021

APPLICANT: Office of the Shelby County Mayor

REPRESENTATIVE: Alex Hensley, Special Assistant to Mayor Lee Harris

REQUEST: Adopt Amendment to the Memphis and Shelby County Unified

Development Code related to oil pipelines

1. This zoning text amendment ("ZTA") was initiated by the Office of Shelby County Mayor Lee Harris pursuant to Sub-Section 9.3.3A of the Memphis and Shelby County Unified Development Code (the "UDC").

- 2. This ZTA would regulate oil pipelines within Memphis and Shelby County. Currently, this type of infrastructure is not regulated by the UDC, as is the case with other underground facilities. As an example, the existing oil pipeline that runs under the Mississippi River, President's Island and McKellar Lake between Arkansas and the Valero refinery on Mallory required no zoning action. Note also that all utilities currently listed in Sub-Section 2.9.3I of the UDC contain aboveground structures subject to local building permits. Pipelines, by comparison, are *not* subject to local building permits.
- 3. This ZTA contains the following specific amendments to the UDC (new language indicated in **bold**, **underline**). There are a few changes between the language below and the language originally proposed found on p.11 of this report; these are the product of a review by the Shelby County Attorney's office.
 - 2.5.2: Insert a new use category, "Oil pipeline," and permit this use by right in all zoning districts. Also, add a reference to a new use standard for this use in the far-right column, a new Sub-Section 2.6.2L.

2.6.2L (new section) Oil Pipelines

Oil pipelines shall be no closer than 1500 feet of any school, place of worship, park, family recreation center, or any residential use, as measured from the center line of the oil pipeline to the building footprint of the school, place of worship, park, family recreation center, or residence.

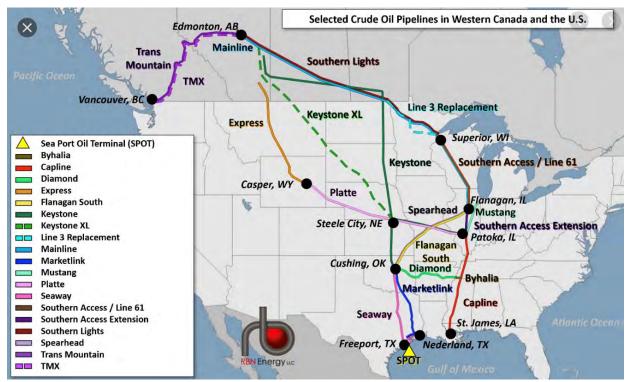
12.3.1: <u>OIL PIPELINE</u>: any tube, usually cylindrical, through which petroleum flows from one point to another.

- 4. A map of the proposed Byhalia Connection pipeline is included in this staff report, as well as a map of all oil pipelines in the United States. While the building rights of the Byhalia Connection pipeline may have already vested and would otherwise be exempt from this proposed regulation (under the Tennessee Vested Rights Acts, TCA Sec. 13-4-310), this ZTA may affect future pipelines since local regulation of these kinds of pipelines may not be completely preempted by federal law (see legal analysis by the Shelby County Attorney's office on page 12 of this report for further details).
- 5. The amendments that are part of this ZTA may be viewed in context of the entire UDC here.
- 6. This staff report has been revised since its dissemination to the Land Use Control Board to reflect materials submitted to the Board by Byhalia Pipeline, LLC after its initial publication and to include updates to some of its maps. These materials are found on pp. 7, 9, 12 and 19-48 of this report

RECOMMENDATION: Approval

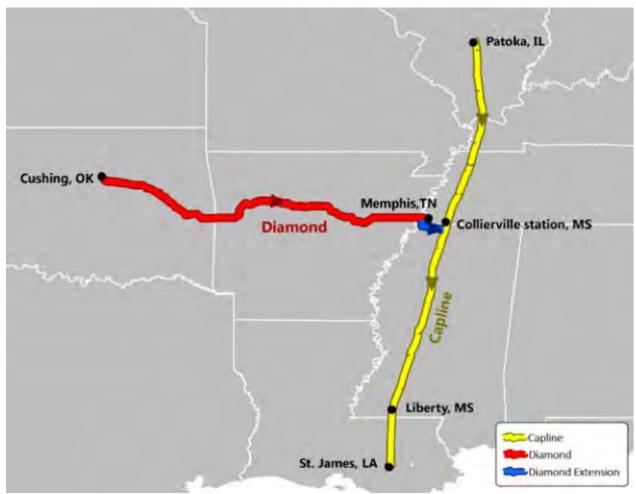
Staff Writer: Josh Whitehead E-mail: josh.whitehead@memphistn.gov

Map of the Proposed Byhalia Connection Pipeline (National)



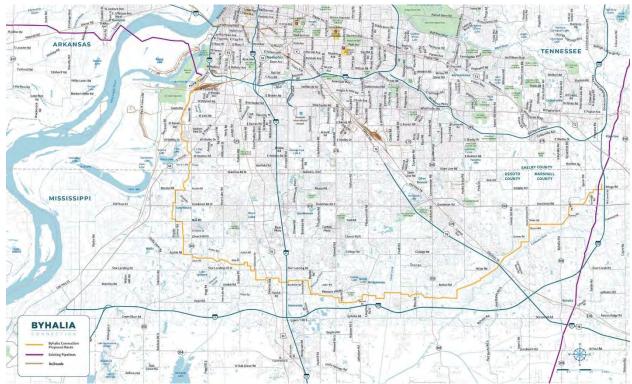
The proposed Byhalia Connection Pipeline is shown on this map connected two existing oil pipelines: the Diamond Pipeline, which runs east from Cushing, OK, to the Valero refinery in South Memphis and the Capline Pipeline, a north-side pipeline which runs from Illinois to Louisiana through Marshall County, MS (near Byhalia). *Map courtesy of RBN Energy.*

Map of the Proposed Byhalia Connection Pipeline (Regional)



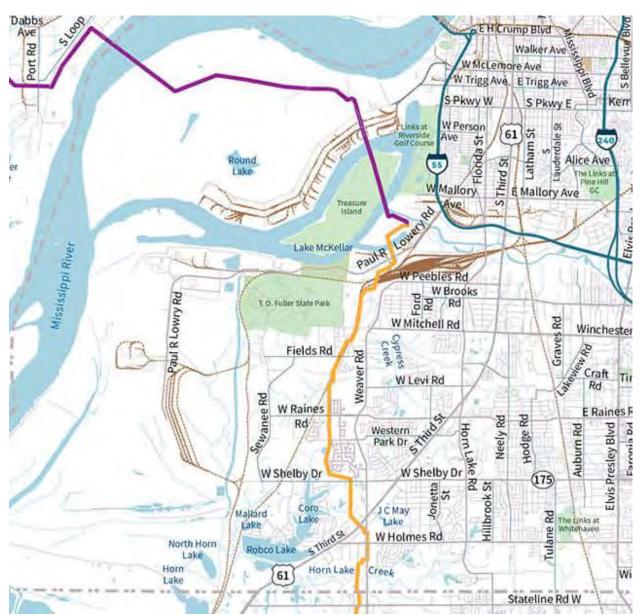
This map shows a closer view of the proposed Byhalia Connection Pipeline, which at one point was known as the "Diamond Extension." "Collierville Station" is actually not in Collierville but in unincorporated Marshall County west of Byhalia. *Map courtesy of Marathon Pipe Line, LLC.*

Map of the Proposed Byhalia Connection Pipeline (Metropolitan)



This map shows the route of the proposed Byhalia Connection Pipeline in Shelby, DeSoto and Marshall Counties. The route is indicated in orange on this map. Existing oil pipelines are shown in purple on the far left and right sides of this map. The pipeline on the left is the Diamond Pipeline, which currently terminates at the Valero refinery on Mallory next to Dr. Martin Luther King Jr. Riverside Park. The pipeline on the right is the Capline Pipeline. The point where the proposed Byhalia Connection meets the Capline, Collierville Station, is on the north side of Wingo Road in Marshall County. It is currently owned and operated by Marathon Oil. *Map courtesy of the Byhalia Connection.*

Map of the Proposed Byhalia Connection Pipeline (Closeup of Southwest Memphis)



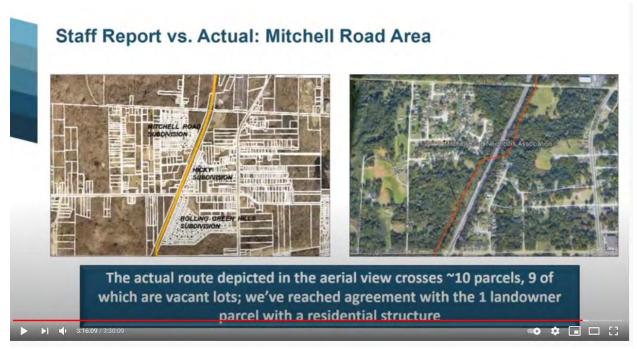
The existing Diamond Pipeline, shown in purple on this map, runs under the Mississippi River, President's Island and McKellar Lake and terminates at the Valero Refinery on Mallory, just south of Dr. Martin Luther King Jr. Riverside Park. The proposed Byhalia Connection Pipeline, shown in orange, would run south of Valero, along the Canadian National tracks, then generally parallel to Weaver Road to the Mississippi state line. Its route brings it in close proximity to the following subdivisions, going from north to south: the Mitchell Road School subdivision on the south side of Mitchell Road, the Hicky subdivision on the north side of Fields Road, the Rolling Green Hills subdivisions on the south side of Fields Road, the West Raines View subdivision on the north side of Raines Road, the Durango subdivision on the south side of Raines Road and the Sun Valley and Westwood Hills subdivisions on the south of Western Park Drive. These subdivisions are seen on this map as concentrations of streets in grey. *Map courtesy of the Byhalia Connection*.

Maps of the Proposed Byhalia Connection Pipeline (Closeup of Nearby Subdivisions)



The map above demonstrates the proximity of the proposed Byhalia Connection Pipeline (in orange) within Canadian National ROW to the Mitchell Road, Hickey and Rolling Green Hills subdivisions. The map below shows the proximity of the pipeline to the West Raines View, Durango, Sun Valley and Westwood Hills subdivisions. Homes within all seven of these subdivisions lie within 1500 feet of the proposed pipeline. As such, this route would not be permitted under the language of the proposed amendment to the Code.





This map was submitted by Cory Thornton, attorney for Byhalia Pipeline, LLC, and presented to the Land Use Control Board during its April 8, 2021, meeting. It was not included in the original staff report disseminated to the Board.



Much of the proposed route will follow these Canadian National (formerly Illinois Central) tracks through Southwest Memphis.



View looking north along Hicky Street in the Hicky subdivision; the proposed pipeline would be located within railroad right-of-way behind the homes on the left.



This map was submitted by Cory Thornton, attorney for Byhalia Pipeline, LLC, and presented to the Land Use Control Board during its April 8, 2021, meeting. It was not included in the original staff report disseminated to the Board.

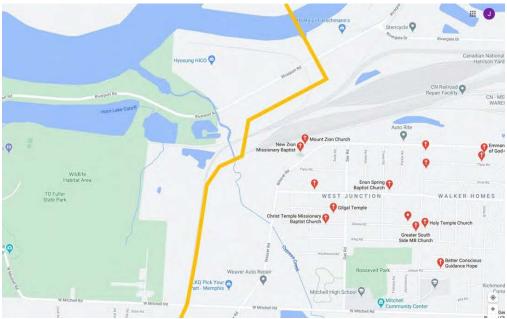


View looking north along Mossville Street in the West Raines View subdivision; the proposed pipeline would be located behind the homes on the left.

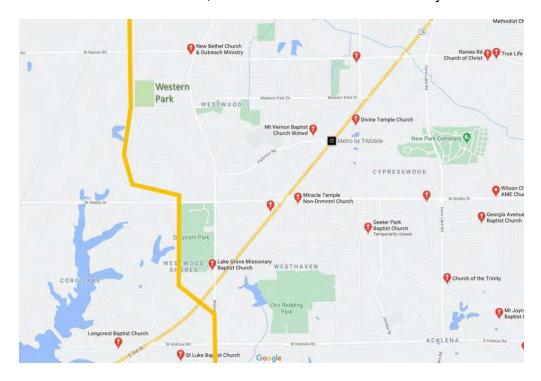


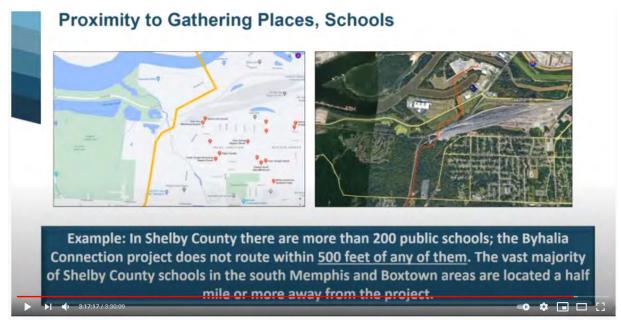
View looking south along Sunvalley Drive in the Westwood Hills subdivision; the proposed pipeline would be located behind the homes on the right.

Maps of the Proposed Byhalia Connection Pipeline (Showing Proximity to Nearby Parks, Places of Worship and School)



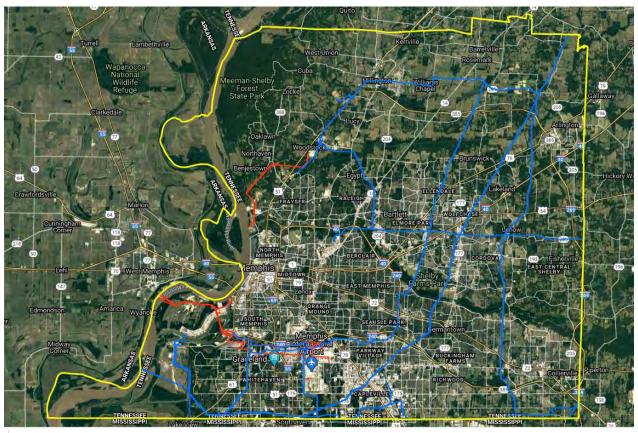
The maps above and below shows the proposed route of the pipeline (in orange) within 1500 feet of the following places of worship (going from north to south): New Zion Missionary Baptist (which is one in the same as Mount Zion Church), Victory Temple Church of God, Lake Grove Missionary Baptist and St. Luke Baptist Churches. In addition, it is also within 1500 feet of T.O. Fuller, Western and Dalstrom Parks, as well as Double Tree Elementary School.

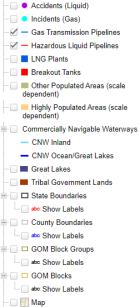




This map was submitted by Cory Thornton, attorney for Byhalia Pipeline, LLC, and presented to the Land Use Control Board during its April 8, 2021, meeting. It was not included in the original staff report disseminated to the Board.

Map of Shelby County from the National Pipeline Mapping System





🗹 🍘 Satellite

The map above, whose legend is to the left, classifies pipelines within Shelby County as "gas transmission pipelines" (in blue) and "hazardous liquid pipeline" (in red). The latter includes crude oil pipelines. The National Pipeline Mapping System is a tool managed by the Pipeline and Hazardous Materials Safety Administration of the United States Department of Transportation.

Initiation Letter from the Office of Shelby County Mayor Lee Harris



Shelby County Government

LEE HARRIS MAYOR March 4", 2021

Josh Whitehead Zoning Administrator Division of Planning and Development 125 N. Main, Ste. 468 Memphis, TN 38103 Josh whitehead/iomemphism.gov

VIA ELECTRONIC MAIL

Administrator Whitehead:

On behalf of Mayor Lee Harris, I would like to submit the following amendments to the Unified Development Code for consideration by the Land Use Control Board at their next meeting. Please reach out if there is anything further we need to submit. Thank you.

Amend Section 2.5.2 to insert a new use under the "unlities" use category entitled "oil pipeline".

Oil pipelines classify as a utility that is permitted by right in all zoning districts. This use standard would be referenced as Sub-Section 2.6.2L.

Insert a new Section 2.6.2L:

L. Oil Pipelines

The governing bodies find that setback requirements for oil pipelines minimize the likelihood of greater numbers of casualties, injuries, and/or costly damages in the event of a pipeline leak, fire, or explosion.

 Oil pipelines shall be no closer than 1500 feet of any school, place of worship, park, family recreation center, or any residential use, as measured from the center line of the oil pipeline to the building footprint of the school, place of worship, park, family recreation center, or residence.

Amend Section 12.3.1

OIL PIPELINE: a long pipe used to transport petroleum over long distances, usually underground.

Alex Hensley (she/they).

Special Assistant to Mayor Lee Harris.

VASCIO A. SMITH, JR. ADMINISTRATION BUILDING. 160 North Main Street, 11th Floor + Memphia, TN 39103 + 901-222-2000 + Fav 901-232-2005 www.shelipsounrysn.gov

Legal Analysis by Kelly Hagy, Assistant County Attorney

Because of the strong federal interest in establishing a uniform system of regulation designed to implement a national policy of ensuring an adequate supply of natural gas at reasonable prices; and, because the federal regulatory scheme comprehensively regulates the location, construction and modification of natural gas facilities, there is no room for local zoning or building code regulations on the same subjects. In short, Congress clearly has manifested an intent to occupy the field and has preempted local zoning ordinances and building codes to the extent that they purport to regulate matters addressed by federal law. *Algonquin LNG v. Loqa*, 79 F.Supp.2d 49, 51-52 (D.R.I.2000).

The federal government establishes minimum pipeline safety standards under the U.S. Code of Federal Regulations (CFR), Title 49 "Transportation," Parts 190- 199. The Office of Pipeline Safety (OPS), within the U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA), has overall regulatory responsibility for hazardous liquid and gas pipelines under its jurisdiction in the United States.

Pursuant to 49 U.S.C. 60104(c), a state [or local] authority may not adopt **safety standards** for interstate pipeline facilities or interstate pipeline transportation. (emphasis added.) Therefore, as long as the zoning ordinance is not preempted by the safety standards developed by the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration, local governments may apply zoning ordinances to interstate hazardous liquid pipelines, such as oil pipelines.

Relevant Cases:

Texas Midstream Gas Services LLC v. City of Grand Prairie, 608 F.3d 200 (5th Cir. 2010), addressed whether the Pipeline Safety Act preempted an amendment to a city development code adopted after Texas Midstream Gas Services (TMGS) announced plans to construct a natural gas pipeline and compressor station to clean and compress natural gas for interstate transport.

The amended code required a setback from roads, a security fence, enclosed building for the compressor station, paved road, and noise controls. Although the local setback might require a greater distance to adjacent buildings than would the federal regulation at 49 C.F.R. 192.163, "this incidental salutary effect on fire safety does not undermine Congress' intent in promulgating the PSA as it is neither direct nor substantial." *Id.* at 211.

The Fifth Circuit concluded that the "setback requirement is not a safety standard" and not preempted. *Id.* at 212. The Fifth Circuit relies on the conclusion that "the setback requirement primarily ensures that bulky, unsightly, noisy compressor stations do not mar neighborhood aesthetics" and said that the locality's "primary motivation in adopting Section 10 was to preserve neighborhood visual cohesion, avoiding eyesores or diminished property values." *Texas Midstream*, 608 F.3d at 211.

Washington Gas Light Co. v. Prince George's County Council, 711 F.3d 412 (4th Cir. 2013), a county government thwarted a pipeline company's efforts to expand its Liquefied Natural Gas

(LNG) storage tanks by enacting zoning restrictions. *Id.* at 414. The company argued that federal safety laws, including the PSA, preempted the local restriction. *Id.* at 417.

The County Zoning Plans, known as the West Hyattsville District Overlay Zone ("WHDOZ") and the Transit District Development Plan ("TDDP"), were aimed at maximizing "transit-oriented development" in the area around the West Hyattsville Metro Center.

To further this purpose, the TDDP articulates the following specific goals:

- Promote [transit-oriented development] near the Metro Station and create a sense of place consistent with the neighborhood character areas.
- Ensure that all new development or redevelopment in the transit district is pedestrian-oriented.
- Restore, protect, and enhance the environment by protecting environmentally sensitive areas, minimizing the impacts of development, and expanding recreational opportunities and trail and bikeway connections.
- Maximize residential development opportunities within walking distance of the Metro station.

The Washington Gas Light Court rejected the argument that the local laws were "safety regulation in disguise." *Id.* at 421. The Fourth Circuit concluded that the zoning scheme was "primarily local land use regulation as opposed to safety regulations." *Id.* at 421.

Staff Report April 8, 2021 ZTA 21-1

Correspondence Received from the Public

March 12, 2021 Mr. Josh Whitehead Land Use Control Board 125 North Main Street, Suite 477 Memphis, TN 38103

RE: ZTA 21-1

Mr. Whitehead:

I am writer to register support for ZTA 21-1. I support the Mayor's amendments to the UDC that would affect oil pipelines.

Eminent domain sould be reserved for government or for emergency usage. This case does not call for the use of eminent domain, especially as the pipeline's direct path is through downtown, east Memphis and Germantown. The company is exercising this dubious right in poorer areas. Shame.

I'm also against the pipeline because of the inherent risk to our aquifer when we live on an earthquake Faultline. Our water is more important than this company's pipeline.

I ask that the LUCB support these amendments. Robert Gordon Central Gardens 1594 Harbert 38104

www.TheRobertGordon.com

March 12, 2021 Mr. Josh Whitehead Land Use Control Board 125 North Main Street, Suite 477 Memphis, TN 38103

RE: ZTA 21-1

Mr. Whitehead:

We are submitting this letter to register our support for ZTA 21-1. We support the Mayor's amendments to the UDC that would affect oil pipelines.

We are against the use of eminent domain by a private company for pipelines.

We do not support the risk to the Memphis aquifer that this pipeline will bring, especially in light of the earthquake fault line we live on. This city's population's water is more important than that company's pipeline.

We ask that the LUCB support these amendments.

Thank you,

Porsche Stevens

Porsche Stevens MidtownMemphis.Org, Board President



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info@midtownmemphis.org

MidtownMemphis.org

www.facebook.com/Midtown Memphis.MMDC/

April 8, 2021

Correspondence Received from representatives of Byhalia Pipeline, LLC

From: Cory R Thornton < CRThornton@paalp.com>

Sent: Wednesday, April 7, 2021 4:40 PM

To: 'dlyleswallace@comcast.net' <dlyleswallace@comcast.net>; 'jmckinnoncre@gmail.com'

<jmckinnoncre@gmail.com>; 'jenniferbethoconnell@gmail.com'

<jenniferbethoconnell@gmail.com>; 'dkthomas@gotci.com' <dkthomas@gotci.com>;

'lisa@ethridgeenterprises.com' <lisa@ethridgeenterprises.com>; 'mwsharp@bellsouth.net'

<mwsharp@bellsouth.net>; 'sfleming@flemingarchitects.com'

<sfleming@flemingarchitects.com>; 'brown@gillprop.com'
brown@gillprop.com>;

'Tolesassoc@aol.com' <Tolesassoc@aol.com>; Whitehead, Josh

<Josh.Whitehead@memphistn.gov>

Subject: LUCB April 8, 2021 Meeting - Agenda Item No. 22 (ZTA 2021-001)

CAUTION: This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Land Use Control Board (LUCB) Members and staff,

Byhalia Pipeline LLC is writing to address the proposed zoning text amendment (ZTA) to the Memphis and Shelby County Unified Development Code (UDC) related to oil pipelines, ZTA 2021-001, which is included on the agenda for the LUCB meeting tomorrow.

We asked for a meeting to brief LUCB staff regarding the proposed ZTA and our project, but our request for a meeting was denied. Our attorney, Robert Spence, also requested a continuance of this matter in order to respond to the LUCB staff report and we have yet to receive a response on whether that was granted or denied (see attached letter). As Byhalia has important information to contribute to the consideration of this amendment, we wanted to take this opportunity to do so.

Our project is a 49-mile pipeline between Memphis and Marshall County, Miss. That responsibly strengthens American energy independence by connecting two existing pipelines rather than constructing a 550+-mile pipeline from Oklahoma to the Gulf Coast.

As a member of council, we believe it is important for you to have the best information and the facts necessary in order to make a decision on a significant issue that could impact the future of Memphis and the economic livelihood of your constituents. The information that has been incorporated into the staff report is riddled with inaccuracies and is misleading. A few of these issues in the staff report are noted below:

- That staff report fails to note that Tennessee case law prohibits a zoning ordinance from acting as a total exclusion of a legitimate business.
- The images on page 6 of the ZTA 21-1 staff report appear to indicate that the pipeline is routed between three heavily populated neighborhoods. That is inaccurate. In fact, 62 of 67 properties along the pipeline route in Shelby County are on vacant properties.

- The images on pages 7-8 attempt to portray the pipeline is going through a neighborhood. In truth, we routed the line well behind it and made efforts to avoid impacting land with homes wherever possible.
- The packet also lacks key information you need to make a judgement, including:
 - O More than 600 miles of oil & gas pipelines operate today within Shelby County. Those pipelines have been safely bringing much needed energy and resources to the Memphis area every day for years.
 - o 97% of landowners along our route have signed agreements with us to construct the pipeline.
 - Oil pipelines are required to meet stringent federal design, construction and operation standards and are subject to periodic audits by a federal regulatory agency, the Pipeline Hazardous Materials Safety Administration, to ensure it continues to meet those standards.

We urge you to also review the factual information we've attached and linked below so you can have the facts on our project. Within our attached information you will find:

- 1. A letter sent to the Josh Whitehead, AICP, Secretary LUCB
- 2. Presentation on key Byhalia Connection project points and updates: We've commissioned a 3rd party study with groundwater experts who have confirmed that impacts of crude oil on groundwater are very rare.
- 3. Myth vs. Fact around the Byhalia Connection Project
- 4. Letters of support from members of the community: 8,615 in total
- 5. A letter from the U.S. Army Corps of Engineers Memphis District to Congressman Cohen: Verification regarding Byhalia Connection's eligibility for a Nationwide Permit 12 and why it meets the terms and conditions.
- 6. Tennessee Department of Environment and Conservation Division of Water Resources Notice of Determination: Confirms that they have no reason to believe there is any possibility of affecting the deep regional aquifer.
- 7. Byhalia Connection's public letter to the community
- 8. Byhalia Connection Project Fact Sheet: A high-level overview of the project
- 9. Video on Byhalia Connection's commitment to the community
- 10. <u>Recent presentation</u> to the Shelby County Commission: Outlines our community engagement, community support, route selection and community benefits.
- 11. Third party resources to learn more about pipelines, their regulations and why they are safe:
 - a. Regulatory Agency Pipeline Hazardous Materials Safety Administration:
 - i. https://www.phmsa.dot.gov/
 - ii. https://www.phmsa.dot.gov/faqs/general-pipeline-faqs
 - b. About Pipelines:
 - i. https://pipeline101.org/
 - ii. https://aopl.org/page/resources
 - iii. https://www.api.org/oil-and-natural-gas/wells-to-consumer/transporting-oil-natural-gas/pipeline

We know the above is a lot of information, but we hope this helps to highlight that this is not a simple issue that can be assessed in a 10-page report. We hope that you will do the right thing and take the time to properly understand the facts and impacts this zoning amendment will have.

Sincerely, Cory R. Thornton Attorney for Byhalia Pipeline LLC

Attention:

The information contained in this message and/or attachments is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. If you received this in error, please contact the Plains Service Desk at 713-646-4444 and delete the material from any system and destroy any copies.

This footnote also confirms that this email message has been scanned for Viruses and Content and cleared.



April 7, 2021

VIA ELECTRONIC MAIL – Josh.Whitehead@memphistn.gov
Josh Whitehead, AICP, Secretary
Land Use Control Board
City of Memphis
125 N. Main, Room 468
Memphis, TN 38013

RE: Land Use Control Board – April 8, 2021 Meeting

Zoning Text Amendment Item 22 (ZTA 2021-001)

Dear Mr. Whitehead:

Byhalia Pipeline LLC ("Byhalia") is writing to address the zoning text amendment ("ZTA") proposed by the Office of Shelby County Mayor Lee Harris pursuant to Sub-Section 9.3.3A of the Memphis and Shelby County Unified Development Code. Byhalia previously requested a meeting to provide information to Land Use Control Board ("LUCB") staff, but our request for a meeting was denied. Our attorney, Robert Spence, also requested a continuance of this matter in order to respond to the LUCB staff report and we have yet to receive a response (see attached letter). As Byhalia has relevant information to contribute to the consideration of this amendment, we would renew our request for a meeting and request a continuance of Item No. 22 (ZTA 2021-001) until the next regulatory scheduled LUCB meeting.

If, however, the LUCB moves forward with this agenda item, Byhalia believes the following is enough to demonstrate that this type of zoning amendment has serious legal deficiencies and should not be passed. Specifically, despite an assertion in the staff planning materials to the contrary, the proposed ZTA would be (i) preempted—we believe state law is most applicable in this context—and (ii) unnecessarily discriminatory of a legitimate business interest in violation of state law. We urge the LUCB to vote against the proposed ZTA.

Background

Byhalia is committed to the health and safety of the communities in which we operate. As a company, we build responsible projects that meet or exceed the most current health and safety standards. We have invested significant time in careful project planning to understand the specific conditions along our pipeline route so we could design, build, and operate safely here. This included careful consideration of the Memphis Sands Aquifer and any potential impact on local Memphians. The pipeline route was ultimately selected because it had the fewest impacts to the environment and least amount of disruption to the community.

Zoning Text Amendment

The ZTA proposed by Mayor Harris would create a new use category under "utilities" for an "oil pipeline" and would effectively create a 1500 foot setback requirement for an oil pipeline from any school, place of worship, park, family recreation center, or any residential use. While the amendment operates under the guise of a mere land use restriction, it is intended to prevent the construction of oil pipelines and especially stop the construction of the Byhalia Connection Pipeline in Shelby County.

The Zoning Amendment is Preempted by State Law

While municipalities have some ability to enact local zoning ordinances, the power is not limitless. A well-established limitation on zoning power is that a municipality is not authorized to enact ordinances that conflict with either the federal or state constitution, the statutes of the state, or established principles of common law. *See City of Bartlett v. Hoover*, 571 S.W.2d 291, 292 (Tenn. 1978); *McKelley v. City of Murfreesboro*, 162 Tenn. 304, 309, 36 S.W.2d 99, 100 (1931). Thus, municipal legislation...is preempted if it runs counter to a state statutory scheme. *See Southern Ry. Co. v. City of Knoxville*, 223 Tenn. 90, 98, 442 S.W.2d 619, 622 (1968) (ordinance conflicts with state law when it "infringe[s] the spirit of a state law or [is] repugnant to the general policy of the state"). *See also City of Bartlett*, 571 S.W.2d at 292 (ordinances must be consistent with public legislative policy).

State law expressly grants pipelines the ability to use eminent domain. See Tenn. Code Ann. § 65-28-101. The Tennessee Constitution authorizes the use of condemnation power, provided that any service required or any property taken is done so for public use. See Tenn. Const. Art. 1, §21. Tennessee courts have recognized that liquids lines constitute common carriers and thus carry out a public use. See Colonial Pipeline Co. v. Morgan, 263 S.W.3d 827, 832 (Tenn. 2008). As even acknowledged in the ZTA scheme, oil pipelines would be under the definition of "utilities." As a "utility," oil pipelines serve an important public interest and deliver essential energy resources from one destination to another. More importantly here, oil pipelines possess eminent domain power.

As noted, the proposed ZTA provides an arbitrary 1500 foot setback requirement. This setback would prohibit Byhalia – and any oil pipeline—from crossing private property in the Memphis area. By establishing a blanket prohibition on crossing private properties, the ZTA is creating an impermissible restriction on the ability of pipelines to exercise their state-mandated eminent domain rights and is "zoning out" pipelines from the greater Memphis area. The ZTA is thus in conflict with and preempted by state law.

Zoning Cannot Act as a Total Exclusion of a Legitimate Business

In addition to being preempted by state law, the reach of ZTA is not enforceable. Where the local zoning ordinance acts as a total exclusion of a legitimate business the presumption of the ordinance's validity is overcome and the burden then shifts to the zoning authority to establish that the total exclusion is for a legitimate purpose. *See Robertson County, Tenn. v. Browning-Ferris Industries of Tennessee, Inc.*, 799 S.W.2d 662 (Tenn. Ct. App. 1990).

The 1500 foot setback targets the Byhalia Connection project to stop its construction and completely exclude it from Shelby County. This pipeline project is a legitimate business that is certainly not prohibited under any current zoning ordinances. In targeting a legitimate business, the ZTA must demonstrate it serves a legitimate purpose. Singling out one company, however, serves no legitimate purpose.

Nowhere in the staff materials is a rational or technical basis for the 1500 foot setback. Such a setback has no relation to the "health," "safety," or "general welfare" of Shelby County residents. In fact, the staff report fails to note that 62 out of the 67 parcels the pipeline crosses in Shelby County are vacant properties. The 1500 foot distance is merely large enough to prevent the development of the Byhalia Connection Pipeline. The arbitrariness of this distance is evident in one of the staff report pictures where the pipeline is over 1000 feet from a place of worship. The staff report, however, fails to highlight that a large rail spur/railcar storage facility is between the church and pipeline (see attached). What is the buffer then accomplishing other than trying to stop the construction of Byhalia's pipeline?

More than 10 other pipelines (crude oil, gas, and chemical) run directly under the City of Memphis at this very moment. There does not appear to be overwhelming health or safety concerns over these pipelines that bring much needed energy and resources to the Memphis area every day. To thus arbitrarily target the Byhalia Connection Pipeline is an invalid exercise of zoning authority, as it fails to promote a legitimate relationship to "health," "safety," or the "general welfare."

If Byhalia would have been granted a meeting with LUCB staff, we could have provided information and demonstrated that the pipeline will be protective of the health and safety of the greater Memphis community. This pipeline is required to meet stringent federal design, construction, and operational standards and is subject to periodic audits by a federal regulatory agency, the Pipeline Hazardous Materials Safety Administration (PHMSA), to ensure it continues to meet those standards.

As we previously stated, we would like the opportunity to further discuss the above information and more about the technical aspect of the Byhalia Connection Pipeline. If this agenda item is continued until the next LUCB meeting, we would be happy to set a time to discuss our available information with your staff.

Please do not hesitate to contact me at 713.993.5126 or crthornton@paalp.com with any questions.

Sincerely,

Cory R. Thornton

Attorney for Byhalia Pipeline LLC



Robert L. J. Spence, Jr. Attorney at Law

The Spence Law Firm 80 Monroe Avenue Garden Suite One Memphis, Tennessee 38103 901-312-9160, fax 901-521-9550 rspence@spence-lawfirm.com

April 6, 2021

VIA ELECTRONIC MAIL - Josh.Whitehead@memphistn.gov Josh Whitehead, AICP, Secretary Land Use Control Board City of Memphis

125 N. Main, Room 468 Memphis, TN 38013

Re: Agenda for LUCB Meeting - Thursday, April 8, 2021

Item No. 22 - ZTA 2021-001

Staff Report Case Number ZTA 21-1 REQUEST FOR CONTINUANCE

Dear Mr. Whitehead:

I represent Byhalia Pipeline, LLC, and earlier today we received the agenda for the LUCB meeting scheduled for April 8, 2021. Because of the short notice, the complex nature of the issues surrounding this matter, and the long-term implications resulting from the proposed change to the UDC and the regulation of oil pipelines, I am concerned that my client will be severely prejudiced if the LUCB proceeds with the hearing as scheduled with less than forty-eight hours' notice to an interested party. Further, a reasonable time period is needed to analyze and respond to, if necessary, the staff report which recommends approval of Item No. 22 - ZTA 2021-001. Robust debate and a full opportunity to be heard have been hallmarks of LUCB proceedings, and this particular matter should be afforded the same treatment.

Please allow this letter serve as a request for a continuance of Item No. 22 – ZTA 2021-001 until the next regularly scheduled LUCB meeting as well as a request that your staff notify all interested parties. I believe that a continuance will serve the public interest and also prevent my client from being unduly prejudiced at the April 8, 2021 hearing.

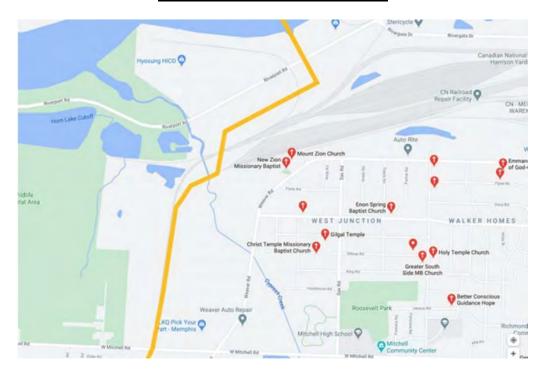
Thanking you in advance for your cooperation.

Very truly yours,

SPENCE LAW FIRM, PLLC

Robert L. J. Spence, Jr.

LUCB STAFF REPORT IMAGE



AERIAL IMAGE





Robert L. J. Spence, Jr. Attorney at Law

The Spence Law Firm 80 Monroe Avenue Garden Suite One Memphis, Tennessee 38103 901-312-9160, fax 901-521-9550 rspence@spence-lawfirm.com

April 6, 2021

VIA ELECTRONIC MAIL - Josh.Whitehead@memphistn.gov Josh Whitehead, AICP, Secretary Land Use Control Board City of Memphis

125 N. Main, Room 468 Memphis, TN 38013

Re: Agenda for LUCB Meeting - Thursday, April 8, 2021

Item No. 22 - ZTA 2021-001

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Thanking you in advance for your cooperation.

Very truly yours,

SPENCE LAW FIRM, PLLC

Robert L. J. Spence, Jr.



Byhalia Connection: Key Points and Updates

What we do is critical to Memphians

- Over 65% of the country's energy comes from oil and gas. The safest way to move that energy is pipelines
- A variety of energy resources are required to meet our country's growing needs; fossil fuels will remain a critical part of the county's energy mix for decades
- 600 miles of existing oil and gas pipelines already operate in Shelby County

We've made responsible recommendations

- We're connecting two existing pipeline systems rather than building an entirely new, 550+ mile pipeline from OK to the Eastern Gulf Coast
- Pipelines like Byhalia can take 750 tanker trucks off of the road per day

Byhalia Connection: Key Points and Updates

We've followed rules and regulations

- We've invested 10,000 hours to asses unique environmental conditions, talked with local aquifer experts, secured a federal environmental permit and state and local environmental permits needed to begin construction
- <u>To verify our work</u>, we've commissioned a 3rd party study with groundwater experts who have confirmed:
 - Across the US, impacts of crude oil on groundwater are very rare, with no impacts at 99%+ f remediation sites
 - Impacts from pipelines are less common because pipelines are shallow while groundwater is deep and crude oil breaks down from natural soil bacteria long before it reaches drinking water

We've been considerate of landowners

- Because we've treated landowners with respect and made above market offers for the right to put the pipeline underground, all but 3 residents along the current route have signed agreements
- 90+% of the route in Tennessee is vacant lots. Even still, we placed the route on property boundaries where possible in case the owners wanted to do something with the land

Byhalia Connection: Key Points and Updates

We're providing community benefit

- This project brings more than \$20 million in benefits to the region even before it is operational - including landowner payments, local labor, money spent during construction and charitable giving
- Additionally, we estimate paying more than \$500,000 in property taxes per year in Shelby County, each year the pipeline is in operation
- The project requires no public funding or grant support

We've got a vested interest in keeping the community safe

- We have employees and contractors who drink water from the aquifer, too
- We're building long-term relationships with the community because our pipeline will be here for decades



questions@byhaliaconnection.com 877-442-2448 ByhaliaConnection.com







Byhalia Connection Pipeline Project Common Myths versus Facts

Myth: Pipelines do not help local residents; we don't need pipelines.

Fact: Since 2017, Plains All American has operated a crude oil pipeline that serves as the primary supplier to the Memphis refinery. *Each day, our pipeline systems help fuel this community's vehicles and support the airport that makes Memphis a worldwide logistics hub.* The value we provide to this community is significant, but the benefits remain largely misunderstood, even while Memphians use our products and benefit from our pipelines on a daily basis.

Myth: This Byhalia Connection project does not provide benefits to the community.

Fact: The Byhalia Connection project is a long-term investment in the greater Memphis community. Before the project is operational, we expect to provide *more than \$20 million worth of investment in the Shelby County**, which includes:

- \$1 million in charitable donations in 2020
- \$1+ million in charitable donations forecasted in 2021
- \$3.5 million in local work contracts
- \$1.4 million in landowner easement agreements
- \$14 million in ripple effects and economic investment in the community.

In addition, the project will contribute \$500,000 in ongoing, annual tax payments, and forecasted across 25+ years, the project would pay \$12.5 million+, which is a significant return on a project that can't be seen, heard or smelled. Our community giving programs and investment in the community will continue into operation of the pipeline.

Myth: The Memphis area doesn't have pipelines today.

Fact: Today, there are more than 600 miles, or more than 3 million feet, of underground infrastructure—not including distribution lines to homes—operating in Memphis and Shelby County. These lines cross atop the aquifer and make it possible to have a logistics hub and an international airport in the area. Most homes in Memphis are located within five miles of one of more than 10 existing oil or natural gas pipelines. This is true, regardless of which Memphis neighborhood you call home—whether it's Germantown, Poplar Estates, Greentrees or Westwood, you are near pipelines.

Myth: There is no support for this pipeline project—people don't want it here.

Fact: There is strong support for Byhalia Connection Pipeline in the area and the conversation is not as one-sided as it may appear in the media or on social media. Many residents and businesses in the area believe in our dedication to safety and the long-term benefits of the project, as we've acquired agreements to construct and operate our pipeline with 97 percent of landowners along the project footprint.

We've seen support across all 13 City Council and Shelby County Commission Districts. More than 8,000 local resident support letters sent to the City Council/Commissioners. Nearly 1,000 additional local residents expressed support for the project during recent phone outreach.



Myth: This project disproportionately impacts black communities and is an example of environmental racism.

Fact: We've heard the accusations that this project would subject the 38109 community to environmental racism. We know environmental racism is real and we've listened to this community, but the reason this pipeline runs through South Memphis is to connect to the Memphis Refinery. Let us be clear—it wasn't a choice to affect one group of people over another. We strive to treat everyone with respect, regardless of where they live in relation to our project. The route in Shelby County accounts for seven miles of the total project route. Nearly 86 percent of the project route, or 42 miles of pipeline, crosses portions of DeSoto and Marshall Counties in Mississippi and their communities of diverse means and backgrounds.

Myth: Why is this project not going in a straight line?

Fact: Routing a pipeline takes time, effort and collaboration with landowners, local leaders, officials and regulators. We've spent more than 10,000 hours to understand the unique environmental conditions along our pipeline route so we can design, build and safely operate the system in the area. This route was chosen after carefully reviewing population density, environmental features, local gathering spots and historic cultural sites, and it purposefully avoids Nonconnah Creek, T.O. Fuller State Park, area flood control structures and a coal ash remediation site. Other routes we considered were rejected because of:

- Potential impacts to waterways
- Potential impacts to civil works projects and levee systems that help protect the city from flooding
- Densely populated residential areas
- Memphis International Airport
- Archeological sites
- Cemeteries and other historically significant cultural sites.

Route selection plays a key role in how projects like ours keep communities safe, which is why we looked at many routes and tried to find an option with the *fewest collective impacts*, including routing the pipeline near existing utility corridors and railroad tracks where possible. In Shelby County, we chose a route across mostly vacant property to limit impacts to this community.

Myth: Byhalia Connection Pipeline revenue will total ~\$7 to ~\$9 billion annually.

Fact: Like other project details, revenue estimates on the fees collected from the 49-mile Byhalia Connection pipeline have been incorrectly reported on social media and by the press on multiple occasions. Opponents have *grossly miscalculated our revenue by a factor of >300x*. To provide some perspective, for Plains, while we don't share revenue on a pipeline-by-pipeline basis, <u>all fees collected across our entire 18,000+ miles of pipeline infrastructure totaled roughly \$2 billion in 2020</u>.

A more thorough understanding of how pipeline industry revenue is generated is required to better understand our investment in the community. In reality, a pipeline is like an underground toll road that collect tolls (called tariffs) for the barrels of crude oil it safely transports. Just like a toll road receives a fee for cars traveling on the road, we receive a fee for each barrel of energy transported through the pipeline. Pipelines require meaningful initial investments and take years before earning a return on the investment.



Myth: The pipeline will contaminate the aquifer and the region's water supply.

Fact: During every phase of pipeline design, construction and operation, we put measures in place to ensure the safety and protection of the aquifer. We follow and adhere to all local, state and federal laws and regulations. We've invested over 10,000 hours to assess the unique environmental conditions in the area to ensure we can design, build and safely operate the system and have reviewed scientific data that shows that the project does not pose a threat to the Greater Memphis community.

Myth: Crude oil and other fossil fuels are part of a dying industry that Americans don't need to rely on.

Fact: False. A variety of energy resources -- an "all of the above" approach -- is required to meet our country's growing energy needs. More than 65% of US energy today comes from oil and natural gas.

Projections show that energy resources like those transported by this pipeline will remain a critical part of the US and the world's energy mix for many, many years to come and are vital in maximizing America's existing pipeline infrastructure to keep pace with future growth.



STATE OF TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION DIVISION OF WATER RESOURCES

William R. Snodgrass - Tennessee Tower 312 Rosa L. Parks Avenue, 11th Floor Nashville, Tennessee 37243-1102

Notice of Determination

Byhalia Pipeline, LLC Shelby County, TN. DWR file # NRS 20.089

November 9, 2020

This notice presents the final determinations of the Tennessee Department of Environment and Conservation, Division of Water Resources, and responds to comments on the proposed Aquatic Resource Alteration Permit requested by Byhalia Pipeline, LLC for temporary impacts to 2.294 acres of wetlands, permanent conversion of 0.87 acres of wetlands type, and six stream crossings associated with the pipeline construction.

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Background

Byhalia Pipeline, LLC applied for an Aquatic Resource Alteration Permit and Clean Water Act section 401 certification that would authorize the stream and wetland crossings on April 21, 2020.

The Division issued public notice soliciting comments on the above permit application on July 14, 2020 and announced the scheduling of a public hearing, which was held via video teleconference on August 27, 2020.

Existing Conditions/Proposed Loss of Resource Values

Compensatory wetland mitigation for impacts to wetlands shall be compensated at a 2:1 ratio for the conversion of 0.87 moderately functional forested wetlands. Compensatory wetland mitigation shall occur with the purchase of at least 1.74 credits from the Tennessee Mitigation Fund southwest TN service area. All other impacts to stream and wetlands will be temporary and restored to pre-impact conditions, as demonstrated through post-project monitoring.

Alternatives Analysis and Selection of Least Impactful Practicable Alternative

Route Alternatives

No Action Alternative

Under this alternative, Byhalia would not construct or operate the proposed pipeline. This alternative would not provide an interconnection to the two existing major crude oil pipeline systems, connecting major terminals in Cushing, Oklahoma with the Capline Pipeline running between Central Illinois and the Gulf Coast. The no action alternative does not meet the project's overall purpose of providing a connection between these two pipelines and was not further considered.

Alternative 1 – East Route

Byhalia considered an approximately 33-mile route east from the Valero Refinery and through the City of Memphis. However, this route has significant environmental impacts associated with multiple crossings of the Nonconnah River and its associated wetland and floodplains. This route would closely parallel the Nonconnah River for approximately 6 miles with four river crossings. Furthermore, this route is adjacent to the Nonconnah Levee System (Civil Works Project) for approximately 1 mile with open cuts and drills near the levee which could affect the structural integrity of the flood control structure. Additionally, along the portion of the route paralleling the levee, the presence of existing utilities and other infrastructure, would greatly constrain the space necessary to safely construct the project. This route would also cross through Memphis International Airport property, industrial areas, and residential areas raising safety and constructability concerns. This alternative is impracticable based on environmental, safety, and constructability concerns.

Alternative 2 – Corridor Route

Byhalia considered an approximately 35-mile route travelling south from of the Valero Refinery that would travel through the city of Memphis before meeting up with the Alternative 1 – East Route. However, safely constructing the pipeline in this route may not be possible due to limited space along railroad and overhead transmission line corridors. This route would cross the Memphis Harbor (McKellar Lake) and would encroach on T.O. Fuller State Park and cross under a significant aquatic resource in Robco Lake. Additionally, acquiring the right-of-way for portions of this route crossing Tennessee Valley Authority (TVA) lands may be difficult. The Alternative 2 corridor route would cross through fewer

industrial areas than Alternative 1, but still pass through several residential neighborhoods raising safety and constructability concerns. Alternative 2 is impracticable due to constructability concerns and its routing through a state park and residential neighborhoods.

Alternative 3 – Western Route

Byhalia considered an approximately 50-mile route travelling west from of the Valero Refinery that would largely avoid City of Memphis residential areas before meeting up with Alternative 5 — Proposed/Preferred Route. This route would cross the Ensley Levee System (Civil Works Project) twice, which raises concerns over the structural integrity of the flood control structures. This route also crosses North Horn Lake and its associated wetlands. Additionally, this route would cross adjacent to the TVA coal ash remediation site. Trenching and drilling associated with construction of the Project could potentially exacerbate pre-existing groundwater contamination associated with this site and result in contaminant migration. This route would cross T.O. Fuller State Park and is near the Chucalissa Archaeological Park, which may impact cultural resources. This alternative is impracticable due to these combined factors.

Alternative 4 – South Route

Under alternative 4, Byhalia considered an approximately 43-mile route travelling south from the Valero Refinery to Horn Lake, Mississippi before turning east. This route would cross the Memphis Harbor (McKellar Lake), T.O. Fuller State Park and a Desoto County, Mississippi property containing a public softball field. Additionally, this route would cross a previously recorded cemetery. Although the cemetery has likely been moved due to previous construction and development activities, significant cultural resource impacts could occur if unmoved or unmarked graves were encountered during construction. This route also crosses several properties where right-of-way access is a concern. This alternative is impracticable primarily due to landowner access and cultural resource concerns.

Alternative 5 – Preferred Alternative

The proposed route selected as the preferred alternative by Byhalia is an approximately 49-mile route that travels south from of the Valero Refinery to Horn Lake, Mississippi before turning east. This route avoids more densely populated residential neighborhoods by primarily travelling through undeveloped rural areas. This route avoids the private parcels with landowner access issues discussed in Alternative 4 and avoids T.O. Fuller State Park, federal properties, Robco Lake, levee systems and previously recorded cemeteries. This route crosses wetlands associated with the Coldwater River and Clearwater Creek but avoids crossing the Coldwater River. Impacts to waters are temporary during construction and the avoidance and minimization measures, as described below, will be incorporated to reduce the temporary impacts. Further, due to the linear nature of the Project, there is no alternative route that can avoid impacts to the aquatic ecosystem. Alternative routes will have new and significant adverse consequences (e.g., cultural, hydrological, environmental).

The Division has determined that the permittee's preferred alternative, with conditions, represents the practicable alternative that would achieve the project objective and have the least adverse impact on resource values.

Antidegradation

In accordance with the Tennessee Antidegradation Statement (Rule 0400-40-03-.06), the Division has determined that the proposed activities will result in *de minimis* degradation because the applicant proposes to provide in-system mitigation to offset any appreciable permanent loss of resource values.

Response to Comments

The Division received numerous comments, primarily by email and also at the public hearing. Due to the high volume of similar comments, we have summarized and paraphrased the comments below. We believe we have captured all the substantive matters and have provided responses to those comments. It is important to note that the Division's authority comes from the *Tennessee Water Quality Control Act of 1977* and the federal *Clean Water Act*. The Division's authority is therefore limited only to matters that affect water quality. All comments relative to water quality were considered in making this final determination.

During the public participation process, the Division received comments that address a variety of public interest matters. These include impacts to the Memphis Aquifer from operation of the oil pipeline, environmental justice, groundwater, inadequate alternatives analysis, flawed economic justification, virtual public hearing limited public participation, stream crossings should be conducted in the dry and other important matters that citizens depend on government to address. However, the Division cannot address some of those concerns, simply because its authority is limited to water quality considerations.

Comments Concerning Groundwater:

There were comments received about the proposed project contaminating groundwater.

Responses to Comments Concerning Groundwater:

Most of the comments reflect a similar theme of concern for the possible release of oil into the groundwater table and the long-term groundwater contamination that would subsequently occur. These comments assert the permit must ensure the maintenance of water quality standards, both on the surface and in the ground.

The application is for the stream crossings and the wetland impacts associated with construction of the pipeline, not the operation of the pipeline. The operation of the pipeline is under the Pipeline and Hazardous Materials Safety Administration (PHMSA's) jurisdiction.

The permittee has developed inadvertent release contingency plans in the case of any material that may be released during the drilling process. The Contractors will supply trained personnel to observe for and respond to any inadvertent release of drilling fluid. Each crossing area will be observed during drill operations by the contractors for any release of drilling fluid. The contractors shall immediately stop drilling operations, relieve downhole drilling fluid pressure by disengaging pumps, and inform the company representative of any drilling fluid migration to the surface. In addition, the permittee will implement and maintain its sediment and erosion control plans at each stream and wetland crossing. These measures may include, but are not limited to, such measures as matting, silt fences, hay bales, and trench plugs and will comply with all State of Tennessee NPDES requirements.

Drilling fluid shall primarily be composed of bentonite and water and no toxic substance shall be used.

Bentonite is a type of clay used for lubrication when drilling, and also used for sealing boreholes. Inadvertent Return Contingency Plans have been prepared and will be implemented during construction by the HDD contractors. Although palustrine forested wetlands (PFOs) within the Tennessee segment of the project are to be bored, some clearing will be necessary for the positioning of equipment used for boring beneath adjacent or nearby features. Areas within the permanent right-of-way (ROW) will experience continued woody vegetation management. As such, approximately 0.87 acres will be permanently converted from PFO to palustrine emergent (PEM) wetland. All palustrine emergent wetlands (PEMs) and scrub-shrub wetlands (PSSs) will be open cut and returned to preconstruction contours with staged topsoil redistributed and allowed to naturally regenerate to preconstruction conditions. Construction will employ best management practices (BMPs) for clearing vegetation, reestablishing contours, and restoring permanent vegetation.

The permit requires that the Permittee shall monitor each stream and wetland crossing both during and after construction. Monitoring reports shall be submitted to this office during construction and for two years flowing construction. Such reports shall document the existing conditions at each crossing. In the event of any release or issues with the stream or wetland crossing a remedial action plan and a timetable to implement and complete.

Comments Concerning the Memphis Aquifer

The Division received numerous comments concerning the potential impacts of the pipeline on the Memphis Aquifer. Several commentators were specific about the lack of information concerning "gaps" in the clay layer that protects the aquifer or any study performed to protect the aquifer from pollution of the pipeline. Concerns were primarily related to the operation of the pipeline, but also some related to its construction.

Responses to Concerns Regarding the Memphis Aquifer

Aquatic Resource Alteration Permits do not regulate discharges to groundwater (only surface waters) or the operation of the pipeline. Utility line construction does not have the potential to affect this regional water table.

The Aquatic Resource Alteration Permit does not require an aquifer impact study, as the permitted impacts are solely related to the construction of the pipeline, involving very shallow trenching and boring techniques for which we have no reason to believe there is any possibility of affecting the deep regional aquifer. According to the 1995 USGS study of the Davis wellfields, the Cockfield and Cook formations are the confining layers within the project area. This study shows that the 30-foot directional borings for the pipeline are well above these confining formations.

Comments Concerning Public Hearing Process and Procedure

One commentator stated that the virtual Public Hearing limited public participation. Persons without access to the internet were not able to adequately review the application and supporting documentation. The inclement weather that the area was experiencing also limited public participation. The permit should be denied and reheard at a time when the public can attend in person.

Responses to Concerns for Permit Process and Procedure

The Department of Environment and Conservation strives to provide full public notice and participation and transparency. All the Department's public notice rules were followed in this case.

The public hearing was conducted via video-teleconference in the interest of protecting public health, safety, and welfare in light of COVID-19 and ongoing health-based recommendations to limit the size of public gatherings. Governor Lee recently extended the state of emergency in Tennessee to December 27, 2020. Therefore, public hearings and meetings at this time are being conducted through electronic means such as Webex to allow for full and transparent public participation. Given the continuing uncertainty about when it will again be safe to conduct in-person public hearings, the Department cannot indefinitely defer this permitting process.

The Department believes that online public hearings increase, rather than decrease, access to public hearings as demonstrated by the high number of participants it has had since changing to this format. It is important to note that, as stated in the public notice for the hearing, internet access was not required to participate in the hearing: a call-in option was also provided. Moreover, the Department closely monitored storm conditions before and during the hearing and observed that the storm had not reached Memphis by the time the hearing was over.

ARAP's require four levels of public notice for each individual permit, all of which were implemented for this permit. First, public notices are emailed to a list of citizens and groups who have requested these notices. Second, the Division posts its notices on our public participation webpage. Third, the applicant must publish a public notice in the classified section of a local newspaper of general circulation, and fourth the applicant must post a two-foot by three-foot corrugated plastic sign within view of a public road in the vicinity of the proposed project. The sign must be maintained for at least 30 days. Six public notice signs were placed throughout the route of the project.

The Division maintains a public facing on-line Dataviewer where persons may access and view all the documents in the file that are uploaded to that record. The public notices direct the participant to that Dataviewer. The notice also provided contact information for the permit writer, who could respond to requests for information from residents unable to access this dataviewer. Similarly, any Tennessean can submit an open records request to obtain relevant documents.

Comments Concerning the Alternatives Analysis and Social and Economic Justification. The social and economic justification is also flawed.

The alternative analysis is inadequate. Only one paragraph is given to describing each alternative and rejecting those that are not preferred. There is no documentation of costs or benefits and no documentation of impacts to waters of the State.

Responses to Concerns on the Alternatives Analysis and Social and Economic Justification

Five alternative routes were evaluated and submitted. Each describes the various encumbrances with the route including water resources, cultural resources, cemeteries, and public properties such as a State Park. These routes and comparisons were submitted in tabular form as part of the application. An analysis of the least environmental damaging alternative was submitted.

Route Criteria

Byhalia designated the following criteria in order to achieve the stated purpose and need while identifying a route to be used for the Project. The following criteria were used to evaluate the alternatives:

- Residential Neighborhoods
- Protected Species and Habitat
- Wetlands and Waterways
- Historic Sites and Cultural Resources
- Federal, State, and Local Government Facilities, Structures, or Lands
- Private Property Access
- Pipeline Constructability

The preferred project route was chosen not only to minimize impacts to the environment, but also to cultural sites, public lands, levees, landowners, and communities during construction and once the line is in service. The proposed route parallels existing pipeline and utility corridors where practical to reduce its overall footprint, with additional avoidance and minimization measures employed to reduce impacts to natural resources where possible.

The proposed route selected as the preferred alternative by Byhalia is an approximately 49-mile route that travels south from of the Valero Refinery to Horn Lake, Mississippi before turning east. This route avoids more densely populated residential neighborhoods by primarily travelling through undeveloped rural areas. This route avoids the private parcels with landowner access issues discussed in Alternative 4 and also avoids T.O. Fuller State Park, federal properties, Robco Lake, levee systems, and previously recorded cemeteries. This route crosses wetlands associated with the Coldwater River and Clearwater Creek, but avoids crossing the Coldwater River. Impacts to waters are temporary during construction and the avoidance and minimization measures, as described below, will be incorporated to reduce the temporary impacts. Further, due to the linear nature of the Project, there is no alternative route that can avoid impacts to the aquatic ecosystem. Alternative routes will have new and significant adverse consequences (e.g., cultural, hydrological, environmental).

Based on the available information the Division has made a determination that the permittee has demonstrated that project represents the least impactful practicable alternative.

Because the proposed aquatic impacts are fully mitigated in-system, the activities authorized by this permit will result in no more than de minimis degradation. Accordingly, there is no requirement for Byhalia to demonstrate social or economic necessity.

Comments Concerning Environmental Justice

The Division received numerous comments in regard to the route through disenfranchised communities, especially the Boxtown Community, that are presently experiencing similar facilities. The pipeline is considered by these commentators to be another action that will adversely affect the environmental health of these communities. Here are some examples of the comments received:

"Connecting the pipeline through Boxtown in Memphis is an unjust and unforgivable act of environmental racism."

"The Byhalia Pipeline proposal will very negatively affect a disenfranchised community. The people of that community already suffer from health issues caused by environmental discrimination. The proposal will only harm the community even more. This is racism. Please do not proceed with the pipeline proposal till other options are explored. "

"I am writing in reference to the Byhaila Pipleline Route being built through Boxtown, Tn in 38109. These are some of the most vulnerable residents in the city. Many have owned their homes for generations. The city and the state of Tennessee are allowing these minority black residents to be taken advantage of because this area poses the least resistance. That should not be a prerequisite to build this pipeline as the results could potentially be deadly. Whenever projects like this happen, black people normally get mistreated and marginalized. A pipeline through this area will would be detrimental to the entire area. Residents may have to move.

I am begging for this pipeline project not to be approved for this area as the residents would suffer health wise or would have to move. This is a low-income area and many of the homes here have been in families for generations.

Responses to Concerns on Environmental Justice

In 1994 President Bill Clinton issued Executive Order (EO) 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," with the aim of focusing

federal attention on the environmental and human health effects of federal actions on minority and low-income populations such that environmental protection for all communities is achieved. The EO directs federal agencies to identify and address the disproportionately high and adverse human health or environmental effects of their actions on minority and low-income populations, to the greatest extent practicable and permitted by law.

At this time, Tennessee does not have an EO or specific language within rule or statute that requires and/or provides TDEC the explicit authority to consider environmental justice within its environmental regulatory program actions. However, striving for the equal treatment of all communities in administering environmental, natural resource, parks, and conservation programs is a priority of the department. TDEC takes a collaborative approach to environmental justice by working with communities to ensure that historically underserved low-income and minority communities are afforded equal access to its programs and services and provided adequate opportunities for meaningful involvement of all people with respect to the development, implementation and enforcement of laws, regulations and policies related to the application. Public notices were issued which included the placement of 6 public notice signs along the route, a legal Ad published in the Commercial Appeal and a Public Hearing was held prior to the issuance of the permit.

Comments Concerning the Permittee's Parent Company and Compliance Record in Other States

Several commenters requested that the permit be denied due to the compliance record of the parent company in other states.

Responses to Compliance Record in Other States

There is no legal basis to deny a permit based on alleged violations by another company in another state.

Comment Concerning Stream Crossings

One Commentor expressed concerns about the time of year and use of coffer dams for intermittent stream crossings that would result in a condition of pollution.

Impacts to all perennial streams will be minimized using HDD construction methods and no work will take place within the OHWMs of these streams. Intermittent and ephemeral streams, as well as WWCs are planned for open trench crossings. Construction within these stream OHWMs will occur when dry if possible. If not possible, cofferdams or other diversion methods will be used. All stream channels, beds, and substrates will be returned to preconstruction elevations, contours, and stabilized by revegetation after construction. No permanent stream channel alterations will occur as a result of this project.

These cofferdams will be **watertight** enclosures from which water is pumped to expose the bed of a body of water in order to permit the construction of a pier or other hydraulic work. Cofferdams are made by driving sheetpiling, usually steel in modern works, into the bed to form a watertight fence. The vertical piles are held in place by horizontal framing members that are constructed of heavy timber, steel, or a combination of the two. Water from the cofferdam shall not be pumped directly back into the stream, but instead to a detention basin prior to release.

The permit further provides:

All work shall be carried out in such a manner as will prevent violations of water quality criteria as stated in Rule 0400-40-03-.03 of the Rules of the Tennessee Department of Environment and Conservation. This includes, but is not limited to, the prevention of any discharge that causes a condition in which visible solids, bottom deposits, or turbidity impairs the usefulness of waters of the state for any of the uses designated by Rule 0400-40-04. These uses include fish and aquatic life (including trout streams and naturally reproducing trout streams), livestock watering and wildlife, recreation, irrigation, industrial water supply, domestic water supply, and navigation.

Comments Concerning Other Matters

Several commentators mention that the construction of the pipeline will affect home values, provides questionable economic benefits, and will result in energy dependency.

Responses to Other Matters

The Division's authority is limited to matters affecting water quality and within the authority of the Tennessee Water Quality Control Act of 1977. In this regard, those matters above that are not within the Division's authority cannot be addressed by the Division in this permit.

Dear Memphis residents,

We've heard you. We can't just tell you we're different — we need to show you we are.

Actions speak louder than words and trust is not given, it's earned. Byhalia Pipeline LLC, a joint venture between Plains All American and Valero, believes in treating people with respect and fairness and doing the right thing. Our project — the Byhalia Connection Pipeline, a 49-mile crude oil pipeline that will connect two existing pipelines — is a safe, responsible way to meet the energy needs of our country and provide a long-term benefit to Mid-South communities.

Even though Memphis has more than 10 oil and gas pipelines, we understand that they aren't built every day, and that this project might raise questions. So, for the past 18 months, we've listened.

Through numerous open houses, community meetings, our Community Advisory Panel and discussions with hundreds of residents and local leaders in Memphis, we've worked to establish open, honest and ongoing dialogue. Thank you for laying out your questions and expectations, and for sharing your values, beliefs and experiences. We are committed to showing you that we stand behind our promise to operate our business safely for you, the greater Memphis community and the environment.

This is who we are.

As a company, we believe that everyone benefits from access to responsibly produced and affordable energy that allows us to fuel our cars, heat our homes and produce the goods and materials we use every day, such as medical supplies, pharmaceuticals and electronics. Access to affordable energy improves life expectancy, education and economic opportunity.

Protecting you & where you live.

We've spent more than 10,000 hours to understand the unique environmental conditions along our pipeline route so we could design, build and operate safely here.

- The pipeline runs through South Memphis to connect to the Valero Refinery. We chose a route across mostly vacant property to limit impacts to this community.
- The route in Shelby County accounts for seven miles of the total project route. Nearly 86 percent of the project route, or 42 miles of pipeline, crosses portions of DeSoto and Marshall Counties in Mississippi.
- This route was chosen after carefully reviewing population density, environmental features, local gathering spots and historic cultural sites. It purposefully avoids Nonconnah Creek, T.O. Fuller State Park, area flood control structures and a coal ash remediation site.
- The majority of the pipeline will be 3-4 feet below the surface but safely away from the aquifer, which is far deeper than our pipeline.
- Pipelines like this do not cause cancer or elevated health risks.
- We use high-quality, US-made steel pipe that meets or exceeds industry and regulatory standards.
- Highly trained pipeline controllers use advanced technology to carefully monitor our pipelines — 24/7/365 — and complete regular aerial and ground safety inspections along the route.
- Many residents and businesses in the area believe in our dedication to safety and the long-term benefits of the project, as we've acquired agreements to construct and operate our pipeline with 96 percent of landowners along the project footprint.

- We've secured the environmental permits from federal, state and local agencies needed to begin construction.
- Plains All American has been safely operating a crude oil pipeline in Memphis for years and we expect Byhalia Connection to be no different. Most homes or businesses here are located within five miles of one of the more than 10 existing oil or natural gas pipelines. This is true regardless of which Memphis neighborhood you call home.

Bringing Benefits to the Community.

A pipeline is a major investment in the community and we want to share a few of the positive benefits you can expect:

- You've told us that communities along our route need investment.
 We've responded by investing more than \$1 million in 2020 to address community needs and support the people who live in proximity to our pipeline. So far, that equates to:
 - » 3,000+ Shelby County Schools students and 200+ teachers received supplies and financial support
 - » 170 laptops and 55 hotspots for remote learning
 - Over 225,000 meals provided through Mid-South Food Bank and another
 4,200 families supported through area food pantries and food banks
 - Over \$275,000 invested in COVID-19 relief, including childcare for healthcare workers, masks and co-pay support
 - » **A new roof** for a non-profit that supports Memphis school children
- We plan to provide even more community investment in 2021. Our priority is to support organizations and causes with the highest need, regardless of whether our partners support our project. We give and get involved because we believe in being a good neighbor. We're grateful to make a difference wherever we can.
- We'll bring an economic infusion of more than \$14 million to the Mid-South area during construction and will pay property taxes every year the line is in service — including an estimated \$500,000 annually in Shelby County alone.
- Projects like this can reduce train and truck traffic. According to the
 Department of Transportation, it would require a constant line of 750
 tanker trucks per day, loading up and moving out every two minutes,
 24-hours a day, seven days a week, to move the volume of even a modest
 pipeline like ours. The railroad equivalent of this single pipeline would
 be 225 28,000-gallon tank cars, or more than 2 trains per day, every day.
- This project strengthens the long-term viability of the Valero
 Memphis refinery and its more than 500 employees and
 contractors, making the refinery more competitive as it produces
 transportation fuels and other products essential to life.
- It's also a \$150+ million investment in American infrastructure

 buying U.S.-made pumps, pipe material and valves, and
 employing local companies to support construction.

While we may sometimes disagree, we'll continue to work with you to understand your concerns and strive to meet your expectations. All the while, our commitment to treating Memphians with care, respect and consideration remains firm. **We take our responsibility to you very seriously** and we remain dedicated to listening, gaining and maintaining your trust, and safely constructing and operating the Byhalia Connection Pipeline.

Regards,

Roy Lamoreaux Vice President Plains All American



We're not just building a pipeline, we are building up communities.



QUICK FACTS ON THE PROJECT



The Byhalia Connection crude oil pipeline is a **joint venture** between Plains All American and Valero.

49 miles

Pipeline length from Memphis, Tenn. to Marshall County, Miss. Byhalia Connection will **connect two existing pipelines** – the Diamond Pipeline and the Capline Pipeline.

9 months

Construction of the pipeline should take about 9 months

US Department of Transportation data shows pipelines are the safest mode of energy transportation.

600+

miles of oil and gas pipelines cross atop the aquifer in Memphis today; just about every area home or business is located within five miles of an existing oil or natural gas transmission line. 10,000+

hours to assess the unique environmental conditions in the area to ensure we can design, build and safely operate the system.

THE BYHALIA CONNECTION PIPELINE IS COMMITTED TO:



Bring Millions of Dollars to Your Community.

We'll bring an economic infusion of more than \$14 million to the Mid-South area during construction and will pay property taxes every year the line is in service – including an estimated \$3.5 million annually in Shelby, Desoto and Marshall County.



Support organizations and causes with the highest need in the community.

In 2020, we donated to more than 30 Mid-South organizations that support the people who live in proximity to our pipeline. We plan to donate even more in 2021.



- 3,000+ students and 200+ teachers received supplies and financial support
- 170 laptops and 55 hotspots for remote learning
- Over 225,000 meals provided and another 4,200 families supported through area food pantries and food banks
- Over \$275,000 invested in COVID-19 relief, including childcare for healthcare workers, masks and co-pay support
- A new roof for a non-profit that supports Memphis school children



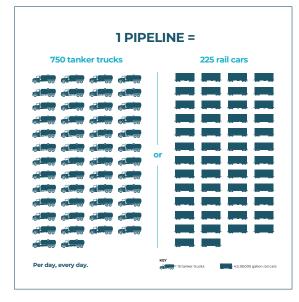
Support Local Jobs.

This project strengthens the long-term viability of the Memphis refinery and its more

than 500+ employees and contractors, making the refinery more competitive as it produces transportation fuels and other products essential to life.

We've secured the environmental permits from federal, state, and local agencies needed to safely begin construction including:

- U.S. Army Corps of Engineers Nationwide Permit 12
- Aquatic Resource Alteration Permit from the Tennessee
 Department of Environment and Conservation



^{*}Statistics from the Pipeline and Hazardous Materials Safety Administration

Projects like this can reduce train and truck traffic.

According to the Department of Transportation, it would require a constant line of 750 tanker trucks per day, loading up and moving out every two minutes, 24-hours a day, seven days a week, to move the volume of even a modest pipeline like ours. The railroad equivalent of this single pipeline would be 225 tank cars, or more than 2 trains per day, every day.

We're not just building a pipeline, we are building up communities.



We take the safety of the community seriously.

10,000+ hours to assess the unique environmental conditions in the area to ensure we can design, build and safely operate the system.

- Safety every step of the way. During every phase of the pipeline design, construction, and operation, we put measures in place to ensure the safety of the community and protection of the aquifer.
- Staffed by experts. We have a team of more than 180 safety and environmental professionals dedicated to administering our safety programs and practices.
- Going above and beyond. This pipeline will meet or exceed local, regional and federal safety standards for construction and operation.
- Around the clock monitoring. Highly trained pipeline controllers use advanced technology to carefully monitor our pipelines — 24/7/365 — and we complete regular aerial and ground safety inspections along the route.



Frequently Asked Questions

Are there increased health risks associated with the pipeline?Pipelines like this do not cause cancer or elevated health risks.

How do you plan to give back to the community?

In 2020 we donated to over 30 Mid-South organizations and we plan to provide even more community investment in 2021. Our priority is to support organizations and causes with the highest need, regardless of whether our partners support our project. We give and get involved because we believe in being a good neighbor. We're grateful to make a difference wherever we can.

Will the pipeline contaminate the aquifer?

During every phase of pipeline design, construction and operation, we put measures in place to ensure the safety and protection of the aquifer. The majority of the pipeline will be 3-4 feet below the surface but safely away from the aquifer, which is far deeper than our pipeline. We've been safely operating a crude oil pipeline in Memphis for years and we expect Byhalia Connection to be no different.

What determined the pipeline route?

This route was chosen after carefully reviewing population density, environmental features, local gathering spots and historic cultural sites. It runs through South Memphis in order to connect the Memphis refinery to a terminal located in Marshall County. We chose a route across mostly vacant property to limit impacts to this community. It purposefully avoids

Nonconnah Creek, T.O. Fuller State Park, area flood control structures and a coal ash remediation site. The route in Shelby County accounts for seven miles of the total project route. Nearly 86 percent of the project route, or 42 miles of pipeline, crosses portions of DeSoto and Marshall Counties in Mississippi.





Learn more about the project and our commitment to the community and safety by visiting our website ByhaliaConnection.com











LAND USE CONTROL BOARD RECOMMENDATION

CASE #: ZTA 21-1

At its regular meeting on **April 8, 2021**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application requesting amendments to the Memphis and Shelby County Unified Development Code described as follows:

APPLICANT: Office of the Shelby County Mayor

REPRESENTATIVE: Alex Hensley, Special Assistant to Mayor Lee Harris

The following spoke in support of the application:

Alex Hensley

The following spoke in opposition to the application:

Cory Thornton Katie Martin

The Land Use Control Board reviewed the application of the Office of the Shelby County Mayor requesting amendments to the Memphis and Shelby County Unified Development Code and the report of the staff. A motion was made and seconded to recommend approval of the application.

The motion passed (8-0) with one member recusing (Thomas) and one member absent (McKinnon).

The Board approved the conclusions of the staff as contained in the staff report.

Respectfully submitted,

Josh Whitehead Zoning Administrator

NOTICE OF TELEPHONIC PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE ZONING CODE OF THE CITY OF MEMPHIS

Notice is hereby given that, pursuant to Section 8-44-108 of the Tennessee Code Annotated, a Telephonic Public Hearing will be held by the Council of the City of Memphis on Tuesday, May 18, 2021, at 3:30 p.m., in the matter of amending the Zoning Code of the City of Memphis, being Chapter 28, Article IV, of the Code of Ordinances of the City of Memphis, Tennessee, as amended, as follows:

Tennessee, as amended, as I	ollows:		
CASE NUMBER:	ZTA 21-1		
APPLICANT:	Office of the Shelby County Mayor		
REPRESENTATIVE:	Alex Hensley, Special Assistant to Mayor Lee Harris		
REQUEST:	Adopt amendments to the Memphis and Shelby County Unified Development Code (the zoning code of the City of Memphis and County of Shelby) regarding location of oil pipelines		
RECOMMENDATIONS:			
Memphis and Shelby County	y Division of Planning and Development:	Approval	
Memphis and Shelby County	y Land Use Control Board:	Approval	
	e in session to hear opposition against the	, 2021, at 3:30 p.m., the Council of the City of making of such changes; such opposition must register	
February at 8 a.m. with your	(i) name, (ii) address, and (iii) the phone	ayes@memphistn.gov no later than Monday 1 number from which you will be calling. Please note ch side may speak no longer than 15 minutes.	
Please note video of this medhttps://www.youtube.com/N		Memphis' YouTube channel. The direct link is:	
	at the Planning and Zoning Committee on I posted on the City of Memphis' website.	the same day with the specific time to be determined	
THIS THE	,		
ATTEST:		FRANK COLVETT, JR. CHAIR OF COUNCIL	
CANDI BURTON CITY COMPTROLLER			

TO BE PUBLISHED: